

5783. Also, petition of the Sunbury Unit, Veterans' Welfare League of Northumberland County, Pa., requesting repeal of the Neutrality Act and substitution of a cash-and-carry system, keeping one great thing in mind—America shall not go to war; to the Committee on Foreign Affairs.

5784. Also, petition of the Schuylkill Classis (Schuylkill County, Pa.) Ministerium of the Evangelical and Reformed Church, requesting retention of the arms-embargo provision of the Neutrality Act; to write back into that law all needful cash-and-carry clauses and controls; for peace, to preserve, to maintain, and to promote peace; to utilize all established constitutional, ordinary, and extraordinary prerogatives to their full capacity of American statesmanship for the furtherance of peace; to the Committee on Foreign Affairs.

5785. Also, petition of F. S. Vogelsang and other citizens of Pottsville, Palo Alto, Port Carbon, and Minersville, Pa., to keep the present Neutrality Act intact; to the Committee on Foreign Affairs.

5786. Also, petition of Louis F. Pounder and other citizens of Gordon, Ashland, Fountain Springs, Girardville, Locust Dale, and Ashland, Pa., requesting to have the arms-embargo provision of the present Neutrality Act retained, and to provide strict cash and carry for all other commodities; to the Committee on Foreign Affairs.

5787. Also, petition of the Reverend W. I. Shambaugh, First Evangelical Church of Milton, Pa., and other citizens, to keep America out of Europe's war by avoiding foreign entanglements; to the Committee on Foreign Affairs.

5788. Also, petition of Washington Camp, No. 134, Patriotic Order Sons of America, Port Carbon, Pa., opposing any change in the Neutrality Act, but if a change must be made it be strictly cash-and-carry; to the Committee on Foreign Affairs.

5789. Also, petition of Lincoln Post, No. 73, American Legion, Shamokin, Pa., requesting strict neutrality, and opposing any action that might involve this country in any foreign war; urging that Army and Navy be built strong enough to defend the United States against invasion; to the Committee on Foreign Affairs.

5790. By Mr. GILLIE: Petition of H. J. Gerhardtstein and 400 other citizens of Fort Wayne and New Haven, Ind., opposing repeal of the arms embargo; to the Committee on Foreign Affairs.

5791. Also, resolution of the Allen County Republican Labor Club, Fort Wayne, Ind., opposing repeal of the arms embargo; to the Committee on Foreign Affairs.

5792. Also, resolution of the Fort Wayne Chamber of Commerce, urging the United States to maintain a fair, impartial, and lasting peace; to the Committee on Foreign Affairs.

5793. By Mr. KRAMER: Resolution adopted by the West Los Angeles Democratic Club, No. 1, to prevent profiteering and demanding that laws be made with adequate penalties applied and enforced to bring prices back to the normal standard and at no time shall they raise unless wages are increased at the same ratio; to the Committee on Ways and Means.

5794. By Mr. McCORMACK: Petition of Edward C. Dullea, of Dorchester, Mass., and 76 others, opposing any change in present neutrality law; to the Committee on Foreign Affairs.

5795. Also, petition of M. A. Albisser, of Roxbury, Mass., and 35 others, advocating retention of present arms embargo; to the Committee on Foreign Affairs.

5796. By Mr. SCHIFFLER: Petition of Charles H. Hawkins and other citizens of Wheeling, W. Va., urging no change in the neutrality law and no cash and carry; to the Committee on Foreign Affairs.

5797. Also, petition of Herbert Stobb and other citizens of Wheeling, W. Va., urging no change in the neutrality law and no cash and carry; to the Committee on Foreign Affairs.

5798. Also, petition of John Kain and other citizens of Wheeling, W. Va., opposing any change in the neutrality law; to the Committee on Foreign Affairs.

5799. Also, petition of citizenship chairman, Mountain State Farm Women's Club, Roneys Point, W. Va., urging that we oppose repealing of the neutrality law; to the Committee on Foreign Affairs.

5800. By Mr. SCHAFER of Michigan: Resolution of the Grand Lodge (Mich.) Lodge, No. 179, Free and Accepted Masons, opposing any changes in the present neutrality law, and requesting that arms embargo be retained; to the Committee on Foreign Affairs.

5801. By the SPEAKER: Petition of Polish Falcons of America, of Pittsburgh, Pa., petitioning consideration of their resolution with reference to the newly established Polish Government; to the Committee on Foreign Affairs.

## SENATE

TUESDAY, OCTOBER 17, 1939

(Legislative day of Wednesday, October 4, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Zebarny T. Phillips, D. D., offered the following prayer:

Father of Mercies, almighty and most tender God, who hast promised to those who seek Thee with all their heart that, as far as the east is from the west, so far wilt Thou remove their transgressions from them, and that, like as a father pitieth his own children, so is the Lord merciful to them that fear Him: We pray for the daily renewal of the spirit of true joy which the sense of Thy abiding presence alone can give, and for a steadfast heart to meet with constant cheerfulness the anxieties and trials of our life, that joy and trial alike may be sanctified to us as we yield ourselves—spirit, soul, and body—to the fulfillment of our sacred duty to our God, our Nation, and the world. Grant unto us, unworthy though we be, a clear vision of the beauty of holiness and a sure confidence in Him who is the strong Son of God, immortal love, even Jesus Christ, our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, October 16, 1939, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Colo.	Reed
Andrews	Davis	King	Reynolds
Austin	Donahey	La Follette	Russell
Bailey	Downey	Lee	Schwartz
Bankhead	Ellender	Lodge	Schwellenbach
Barbour	Frazier	Lucas	Sheppard
Barkley	George	Lundeen	Shipstead
Bilbo	Gibson	McCarran	Slattery
Borah	Gillette	McKellar	Smathers
Bridges	Green	McNary	Stewart
Brown	Guffey	Maloney	Taft
Bulow	Gurney	Miller	Thomas, Okla.
Burke	Hale	Minton	Thomas, Utah
Byrd	Harrison	Murray	Townsend
Byrnes	Hatch	Neely	Truman
Capper	Hayden	Norris	Vandenberg
Caraway	Herring	Nye	Van Nuys
Chandler	Hill	O'Mahoney	Wagner
Chavez	Holman	Overton	Walsh
Clark, Idaho	Holt	Pepper	Wheeler
Clark, Mo.	Hughes	Pittman	Wiley
Connally	Johnson, Calif.	Radcliffe	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE], the Senator from Virginia [Mr. GLASS], and the Senator from Maryland [Mr. TYDINGS] are detained from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST] is absent because of illness in his family.

The Senator from New York [Mr. MEAD] and the Senator from South Carolina [Mr. SMITH] are unavoidably detained.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

### SPECIAL COMMITTEE TO INVESTIGATE CIVIL-SERVICE SYSTEM

The VICE PRESIDENT appointed the Senator from Missouri [Mr. TRUMAN] a member of the Special Committee to Investigate the Administration and Operation of the Civil

Service Laws and the Classification Act of 1923, as amended, created by Senate Resolution 198, Seventy-fifth Congress, to fill the vacancy caused by the death of Hon. M. M. Logan, late a Senator from the State of Kentucky.

#### PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the Thirty-first Annual Reunion of the Second Ohio Volunteer Infantry of the Spanish-American War, held at Findlay, Ohio, favoring the maintenance of a strong and adequate national defense in all its branches, and also an efficient merchant marine; condemning nazi-ism, communism, and other alien "isms"; and calling upon the President and the Congress to keep the Nation out of war "except in defense of our liberties, institutions, and ideals," which was ordered to lie on the table.

#### ADDRESS BY SERGEANT YORK ON NEUTRALITY AND THE ARMS EMBARGO

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address on the subject of neutrality and the arms embargo, delivered by Sergeant York on Wednesday, October 4, 1939, which appears in the Appendix.]

#### NEUTRALITY AND PEACE OF THE UNITED STATES

The Senate resumed the consideration of the joint resolution (H. J. Res. 306), Neutrality Act of 1939.

Mr. WALSH obtained the floor.

Mr. AUSTIN. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. WALSH. I yield to the Senator from Vermont.

Mr. AUSTIN. I thank the Senator from Massachusetts. I desire to make two unanimous-consent requests, and I wish to explain them. It will take me but a moment to do so.

Last night I delivered an address over the National Broadcasting Co. network during the National Radio Forum arranged by the Washington Star. The address related to the pending question. I appreciate the honor that has been offered me by the distinguished chairman of the Senate Committee on Foreign Relations, the Senator from Nevada [Mr. PITTMAN], to have that address printed in the RECORD. I have asked to be excused from accepting his offer, for the reason that I wish to be entirely and wholly responsible for the address being in the CONGRESSIONAL RECORD. Further, I wish to be considerate of the time of my colleagues in this distinguished body, and I think I can conserve that time by putting the address in the RECORD, which will make it unnecessary for me to repeat its substance and material. So, Mr. President, my first request is for unanimous consent to insert in the RECORD at this point the address, the subject of which is Changing Embargoes for National Defense.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### CHANGING EMBARGOES FOR NATIONAL DEFENSE

The United States intends not to go to war, not to intervene, and not to become a belligerent.

In the pending war, the nationals of the United States will be hindered and impeded by their Government in their commerce on the seas with belligerents. They will not have the aid of their Government in that commerce. They will not have even the immunity from interference by their Government which has been the common right of the nationals of all neutrals during all times.

It is absurd to say that the United States intervenes when, by statute, it embargoes its nationals, its vessels on the high seas, and everything it produces.

The scare talk that lifting the embargo means war beclouds rational consideration of the facts and policy. It should be given little weight. It seems to me to be illogical. We cannot become a belligerent and go to war unless some foreign state attacks us, or unless we attack some other state.

On the first alternative, I point to the fact that the Congress is in extraordinary session for the express purpose of enacting additional defense legislation calculated to build up our strength so that no foreign state will choose to attack us.

On the second alternative, you are conscious that the determination of the people of this country to remain at peace is such that we will not become an aggressor and declare war on any state, save as a last defense of our security and the principles which constitute the life of the republic.

During the course of my discussion, I hope to make clear that the legislation which Congress now debates is designed to avoid causes

for war, and to remove, as far as possible, from the United States even the chance events which might irritate our own people into warlike fervor. Without an act of Congress, we cannot become a belligerent, we cannot intervene in a military way, we cannot go to war.

We consider the pending question in the light of the settled purpose of Congress to not send our sons and daughters overseas to engage in foreign wars. The last act, even of national defense, is the mobilizing of the youth of America to engage in mortal combat. So let us settle back and calmly consider the choice that we have to make between embargoes.

We start with a true premise, namely: the pending legislation constitutes a substitution of a broad embargo for the narrow embargo which now exists.

The erroneous impression, implicit in the popular slogan "Lift the Embargo, and Substitute Cash and Carry," is corrected through the debate which is proceeding in the Senate.

Now that a state of war has been proclaimed, we are not to choose between embargo and no embargo. We are to choose between two embargoes. The present one prohibits export of arms, ammunition, or implements of war. The contemplated substitute embargo would bar from the seas American vessels, American men, and American articles and materials. If it should become law, nothing American whatever could be in commerce on the high seas between the United States and a belligerent port, between the United States and a neutral port, where the commerce enters or passes through combat areas to be prescribed by the President, because title must change to the purchaser before it leaves the United States. This would avoid the hazard of inflammatory reaction on us from sinking of property.

The deprivation of freedom of our citizens to travel would be extensive, for it would be unlawful, except under rules prescribed by the President, for any citizen of the United States to proceed into or through combat areas or to travel on any vessel of belligerents. This would render remote the provocation from loss of life.

An exception is created favoring Canada. Passengers and articles or materials could be lawfully carried by American vessels on lakes, rivers, and inland waters as well as by aircraft over lands bordering the United States, though such transportation would be subject to such restrictions, rules, and regulations as the President shall prescribe.

The unfortified line, 3,000 miles long, between Canada and the United States moves us to favor the cause of Canada as a protection of our tranquillity.

Moreover, this accords with our ancient friendship and the homogeneity of principles and ideals of our two countries.

The harsh restrictions on vessels include loss of established transportation routes and connections gained in a competitive battle at great cost to our Government and its citizens through 20 years of struggle. In parlance of the sea, "we would not keep the berth warm."

Also included would be the loss to our producers of fruit, cotton, wheat, and other agricultural products, of a delicately balanced refrigerating, storage, transportation, and marketing organism, the repercussions of which must be cushioned with taxpayers' money; the deprivation of neutrals and belligerents, who are dependent upon our natural resources brought to them through American commerce, of diet, clothing, and other necessities of life; the making difficult of procurement for America of strategic and essential materials, because our ships could not afford to go out empty of cargo for the sole purpose of bringing back these materials. These materials are essential to our national defense. They include manganese, aluminum, antimony seed, chromium, coconut-shell char, Manila fiber, mica, nickel, wool, optical glass, quartz crystal, quicksilver, quinine, rubber, silk, tin, and tungsten. In addition to these, we must lose freedom of access to 22 critical commodities, such as coffee, cadmium, cork, cryolite, graphite, opium, etc.

Most serious of all the injuries suffered through the severity of the restrictions upon American vessels is the injury to our national defense. The Mercantile Marine Act of 1936, under which we are building up our merchant fleet, was based on its auxiliary service to the United States Navy. A fleet must have fuel; it must, therefore, have tankers with competent speed. A fleet must have feeding and housing also. It must have vessels for hospitalization, for shelter of personnel of small vessels, such as submarines, aircraft, and destroyers. It must have access to basic materials and to supplies. Without a merchant marine a navy could not serve.

Therefore it is to be hoped that the restrictive embargoes on American shipping may be reasonably relaxed by amendment of the pending bill.

But, dealing with the proposed legislation as it stands tonight, I favor its adoption for the following reasons:

It would promote our national defense.

It would make more remote our getting into war.

It would increase the probability of victory of the Allies.

It would tend to shorten the war.

It would keep the battle front far away from America.

It would help to keep the ocean the protection for us that it has been while our vis-à-vis Navy was under the British flag.

The United States has been on the defensive throughout the Seventy-sixth Congress, including this special session. While the Military Affairs Committees of the House and Senate developed a military, naval, and aerial plan for national defense, the committees of both Houses having jurisdiction of our foreign relations were at work trying to promote such governmental action as would keep us at peace and at the same time protect our free institutions and our territory from aggression. The evidence showed at the beginning



of the session an environment of danger—wars proceeding, all the great treaty powers of the world armed and getting ready for mobilization, even the Western Hemisphere penetrated covertly and in peaceful disguise by the dynamic foreign policy of national socialism, having the implications of an effort to set up a world empire. Within striking distance of the Panama Canal, namely, in Colombia, an airways system, of which the crews were at least 95 percent German; a system of air lines being established around Latin America, with adequate bases and stations and stocks of convertible parts adaptable to military planes as well as commercial planes, so that if Germany wanted to fly military versions of the Fokke-Wulf planes to Latin America they would there have ready adequate supplies for military use. The parts of the commercial ships ready in Latin America are interchangeable with parts for bombers and for other military planes. If Germany should wish to send a large number of bombing planes through Latin America to our southern boundaries she would have the facilities to do so, she would have the fuel supplies in large reserves, she would have the parts, she would have the replacements, and the personnel, if they were needed.

Such a picture clearly given to the Committee on Military Affairs could not be ignored with prudence. It appeared from the evidence that Germany was sending able technicians to Latin America who had recently been trained in special courses in the economic theories and the political philosophies of their own country, in technique, in diplomacy, and in the language of the country where they were going.

Moreover, the trend of exportation of aircraft was significant. Whereas our Latin American exports of aeronautical products in 1938 increased 19.7 percent over 1937, Latin American sales of totalitarian aircraft gained about 300 percent in those 2 years. This tremendous gain in totalitarian exports of aeronautical products in Latin America was consistent with the foreign policy of Germany recently associated with claims of pressure of population, the so-called natural right to room to live, the search for raw materials, and with geographic and political ambitions of world extent. New World contours had already been etched on the globe by the bayonet of totalitarian powers.

The present war had not yet begun. It was anticipated by some. Nevertheless, the Military Affairs Committee of the Senate was informed that if Germany should get control of Spain and Portugal, establish bases in the Azores, in the Cape Verde Islands, and in the Spanish and Portuguese colonies in west Africa, she would have complete control, so far as the air is concerned, of the eastern half of the Atlantic Ocean. Seventeen hundred of the airplanes that Germany then had were capable of flying from the west coast of Africa to the east coast of South America. Prudence dictated that Congress contemplate the possibility of such progress that she would be able to fly in the near future from the Cape Verde Islands to the United States.

The possibility, even though remote, of Germany conquering England and France, obtaining control of their navies and investing Canada and nearby islands, made national defense a paramount concern of this session of Congress.

The cold facts which confronted us demanded prompt measures to strengthen our Military Establishment. With relatively little debate, Congress appropriated approximately \$2,000,000,000 to effectuate the President's plan for this purpose.

Indirectly involved in this study was our national attitude toward the possible belligerents in the anticipated war. This attitude also primarily concerned our national defense. The crash of a bomber being tested on our west coast, in which a French officer perished, precipitated the foreign-policy issue. The identical differences arose over sales of planes to Britain and France, already contracted for, as we are now debating on the so-called Neutrality Act of 1939. It became clear to us that the sale and exportation of military planes to Great Britain and France was a proper element of our national defense, because it stepped up production in this country of such defensive weapons and it did not interfere with procurement for ourselves; it developed the special knowledge and skill of our scientists and workmen, so that we could move forward with the progress of those who learn by experience in their use of the technical improvements which so soon render obsolete the munitions of current days.

Here let me indicate something which I regard as a natural fallacy. Distinguished debaters who oppose the pending resolution argue that we should keep the munitions which we manufacture for our own defense, and that we should not ship them abroad. The answer is: We do not want these particular munitions. If we should ever need munitions, we would want the most modern product of the experience we are now gaining at the expense of the foreign purchasers. If we should ever need munitions, we would want the capacity to reproduce and keep the line coming. We would not want to be dependent on stores of obsolete planes, for example. Therefore, sale to the Allies then and now is an important element of our defensive plan.

I discuss neutrality only briefly because the law of self-defense transcends other rules of international conduct.

Montesquieu, speaking to us with venerable accent and profound wisdom, says:

"Reason is the spirit of the law; if there be no reason, there is no law."

We are familiar with the rule of self-defense, which extends to whatever limit of action may be necessary.

The reason for this in domestic law is the same for international law, namely, imperative necessity.

If we were neutral, the obligations on us as a government would not require us to do what we propose to do in the way of embargoing

the intercourse of our nationals with other neutrals and belligerents. Even though international law forbids the supplying in any manner, directly or indirectly, by a neutral power to a belligerent power, of arms, ammunition, and implements of warfare, or of war material of any kind whatever, nevertheless, a neutral power is not bound to prevent the export or transit, by its nationals, for the use of either belligerents, of arms, ammunition, or, in general, of anything which could be of use to an army or fleet.

The rights of a neutral government are thus less than those of its nationals.

In 1935 and 1937, in connection with the neutrality legislation, and during the campaign of 1938, as well as in this Seventy-sixth Congress, I have stated my position publicly—that it would have been better for this Government to repeal the Embargo Acts and return to international law. The foregoing is the essential part thereof affecting the pending issue. The record would have been clearer for posterity. The attitude of America would have accorded with her tradition, namely, an attitude of independence, though not isolation. She would have been free to adapt her action to the changing circumstances. Since it has become apparent that this cannot be done, and that the Government, as such, is about to adhere to restrictive action which it is not bound by international law to take, we are not concerned with the neutrality or unneutrality of the resolution. We are concerned only with the fact that it is in our interest as a sovereignty and for the peace and security of our nationals that we adopt it.

By the Embargo Act of 1937, our attitude, as a government, has the effect of partiality to Germany. It is as effective in interfering with acquisition of arms, ammunition, and implements of war by the Allies as a blockade successfully maintained by Germany. Pro tanto, it is as effective as a fleet of submarines operating against the Allies.

The folly in the act of 1937, which caused a few of us to vote against it, is now more widely recognized. It undertook to bind the United States in advance of the event to a course of action, the need and the consequence of which we could not foresee.

Now, needing the defense value of speedy victory by the Allies, we observe our embargo of 1937 operating against the Allies and in favor of the aggressor.

We now see that we deprive the Allies of rights belonging to them by virtue of their geographical position. As we have pointed out, the exercise of these rights by them would tend to protect our institutions and our peace. The early success of the Allies is vitally necessary to keep the unplumbed depths of ocean between the aggressor and us.

To the extent that the proposed resolution binds us to embargoes in some other future war, it is subject to a similar criticism—that we cannot foretell what our interest may be or what position we should take.

It is my opinion that the resolution ought to be amended to provide for its expiration as soon as the state of war has ceased to exist.

Our present grave concern about the preservation of republican liberty in this country dictates adherence to the exclusive prerogative of this Government to decide as each case arises what character of international conduct this Government will adopt.

Chief Justice Hughes, when Secretary of State, within a few years after the World War, characterized this policy in an address to the American Bar Association, thus:

"Our people are still intent upon abstaining from participation in the political strife of Europe. They are not disposed to commit this Government in advance to the use of its power in unknown contingencies, preferring to reserve freedom of action in the confidence of our ability and readiness to respond to every future call of duty. They have no desire to put their power in pledge, but they do not shirk cooperation with other nations whenever there is a sound basis for it and a consciousness of community of interest and aim. Cooperation is not dictatorship and it is not partisanship. On our part it must be the cooperation of a free people drawing their strength from many racial stocks, and a cooperation that is made possible by a preponderant sentiment permitting governmental action under a system which denies all exercise of autocratic power. It will be the cooperation of a people of liberal ideals, deeply concerned with the maintenance of peace and interested in all measures which find support in the common sense of the country as being practical and well designed to foster common interests."

As a people we would like to have our Government on friendly terms with all states—totalitarian as well as democratic. We would not interfere with the right of every nation to conform to its own beliefs without trespassing upon us, but in both peace and war this Republic must defend itself against dominance by others and against insidious sapping of the battlements of its freedom.

I credit the distinguished opponents of the pending resolution with recognition of the dangers of isolation. I think that it is inaccurate to label them "isolationists." However, there are worthy citizens who have communicated to me the belief that we should adopt an attitude of withdrawal commercially to our continental area for the duration of the war. I believe that it is the general opinion of all Senators now debating the issue that such action would require nationalizing of all production and industry and further centralizing all government in Washington. We are aware of the difficulties of enforcement of that type of embargo, exemplified, as they were, by even bloody resistance during the Jefferson embargo.

As the historian, Bancroft, has so well put it:

"Commerce defies every wind, outrides every tempest, invades every zone."

Moreover, the danger of establishing nonparticipation in the trade and finance of the world is that such action would require a vast financing scheme to further organize control of all business and commercial activities, to cushion the fall of industrial employment, agricultural marketing, and the lack of necessary materials not obtainable here. The dictatorship perfected thereby would insure to us and to our posterity a curse of unhappiness.

Isolation would be almost as dangerous to our institutions as war. By either isolation or war, we would lose much that our forefathers sacrificed to gain and to transmit to us.

To choose the type of embargo provided for by the pending resolution, instead of the existing embargo, would aid in our national defense and would tend to prevent both isolation and war.

It would help this generation of Americans to discharge their high obligation to preserve the Republic and to maintain peace.

Mr. AUSTIN. Mr. President, my second request is that there be printed in the RECORD following the address just ordered printed an amendment which I propose to offer to the pending joint resolution, the effect of which, if it should be agreed to by the Senate, would be to make this so-called Neutrality Act of 1939 expire with the expiration of the present war in Europe. I ask unanimous consent, therefore, to have printed in the RECORD, printed in the usual form, and lie on the table the amendment which I send to the desk.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. WALSH. I yield.

Mr. BORAH. Am I correct in understanding that the amendment offered by the Senator from Vermont touches the question of the expiration of the pending joint resolution?

Mr. AUSTIN. Yes. If the pending joint resolution should become a law, under the amendment, if agreed to, the law would become functus officio on the termination of the war in Europe.

The VICE PRESIDENT. Is there objection to the request of the Senator from Vermont?

There being no objection, the amendment intended to be proposed by Mr. AUSTIN to the pending joint resolution was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. AUSTIN to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, viz: At the end of the joint resolution insert the following new section:

"SEC. —. Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, this joint resolution shall have no further force or effect; but offenses committed and penalties, forfeitures, or liabilities incurred under this joint resolution while it was in force and effect may be prosecuted and punished, and suits and proceedings for violations of such joint resolution or of any rule or regulation issued pursuant thereto may be commenced and prosecuted in the same manner and with the same effect as if such joint resolution were still in force and effect."

Mr. JOHNSON of Colorado. Mr. President, I offer two amendments to the pending joint resolution, which I should like to have printed in the usual form, printed in the RECORD, and lie on the table until such time as they may be considered by the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the amendments intended to be proposed by Mr. JOHNSON of Colorado to the pending joint resolution were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendments intended to be proposed by Mr. JOHNSON of Colorado to the joint resolution (H. J. Res. 306), Neutrality Act of 1939, viz:

On page 16, line 13, after the word "materials", insert "(other than arms, ammunition, and implements of war enumerated by the President under the authority of sec. 4)."

On page 18, between lines 20 and 21, insert the following new section:

"EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

"SEC. 4. (a) Whenever any proclamation issued under the authority of section 1 (a) is in effect, it shall be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States until all right, title, and interest therein shall have been transferred for cash to a foreign state. The shipper of such arms, ammunition, or implements of war shall be required to file with the collector of the port from or through which they are to be exported a declaration under oath that there exists in no citizen of the United States any right, title, or interest in such arms, ammunition, or implements of war, and to comply with such rules and regulations as shall be promulgated

from time to time. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such arms, ammunition, or implements of war. No loss incurred by any such citizen in connection with the sale or transfer of right, title, and interest in any such arms, ammunition, or implements of war shall be made the basis of any claim put forward by the Government of the United States. As used in this subsection, the term 'cash' shall not include ordinary commercial credits or short-time obligations.

"(b) Insurance written by underwriters on arms, ammunition, or implements of war and on vessels carrying such arms, ammunition, or implements of war shall not be deemed an American interest therein, and no insurance policy issued on such arms, ammunition, or implements of war, or vessels, and no loss incurred thereunder or by the owners of such vessels, shall be made the basis of any claim put forward by the Government of the United States.

"(c) The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is restricted by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation No. 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925.

"(d) Whoever, in violation of any of the provisions of this section, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245).

"(e) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this section, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"(f) Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

On page 21, line 15, after the word "credit", insert "(including ordinary commercial credits and short-time obligations)."

Mr. WALSH. Mr. President, for several years, particularly since I have been chairman of the Naval Affairs Committee of the United States Senate, I have been frequently requested to speak on questions relative to our national defense. On these occasions I have stated again and again that I was an advocate of a large, efficient, and powerful Navy, not for the purpose of aggression but for the avoidance of war and the protection of our country.

Never, during these years, have I failed to urge a genuine policy of neutrality, designed for the avoidance of war, as of almost equal importance for our peace as a powerful navy. Nations that are unable to look upon events of a foreign war objectively and map out for themselves a fixed, determined, real policy of neutrality will never be safe from embroilment in the troubles and wars of other nations.

Peace, first and foremost, by assuming the conduct of a true neutral; and secondly, a navy, army, and air force of such efficiency and size as will command the forbearance of all aggressors; these have been my long-continued aims.

A year ago last September at the American Legion National Convention at Los Angeles, on Memorial Day 1938 at Arlington Cemetery, and again on the floor of the Senate on April 17, 1939, and repeatedly on the radio when I discussed the subject of national defense, I asserted that in a world seething with age-old rivalries and ambitions and in which the spirit of war is ever present our country should steadfastly preserve its neutrality. I quote from one of those speeches:

Our own national policy for keeping our country out of war and at peace with the rest of the world rests upon two basic and elementary propositions. One is the observance of strict neutrality whenever and wherever war occurs, and in the meantime and at all times keeping clear of foreign quarrels and entangling alliances. The other is the maintenance of adequate instrumentalities for national defense and, in the conditions now unhappily prevailing throughout the world, adequate instrumentalities for national defense, and adequate land force, sea force, and air force.

These have been my sentiments to this hour. Devoted as I am to the cause of our national defense, in my opinion, a neutrality policy which is sincere, unwavering, and just is



an equally vital correlative to the preservation of peace and domestic tranquility.

The Navy is a physical force operating in the physical field. Neutrality is a state of mind; it operates for peace or war through mental channels. A neutrality that is honest removes animosities and hostilities. A neutrality that is merely a pretense, the use of a name, creates distrust and enmity. The slightest aggressive operation by our Navy could swiftly turn our course from peace to war. In like manner, the elements that constitute a policy of neutrality can sharply convert our attitude from peace to the role of an aggressor. It is the impairment or abandonment of a real policy of neutrality that is a basic cause of war in the world. Because Italy and other European countries have thus far remained neutral, they are not at war.

I believe that every conceivable safeguard should be used to prevent our Nation from being involved in a war that is not of its making, for I place above every other disaster in life the awful sacrifice of human lives that war brings. Nature's catastrophes are at times horrifying, but they affect chiefly the physical forces of life that can be rebuilt, while man-made war crushes and destroys living human beings and the priceless spiritual values of the human family, robs free people of their liberty, and retards for generations the advancement and progress of civilization.

#### POLITICAL NEUTRALITY

It seems unnecessary to define to the Members of the Senate what is meant by real and genuine neutrality. There is scarcely one Member of this body who has not had to apply a policy of personal neutrality during his political activities. Your own experience, Senators, has taught you that there is only one choice—observe a strict neutrality or commit yourself to one side or the other.

Were those political rivals who declared to you their neutrality honestly neutral when they lent aid and assistance to your opponent? Between men and between nations honest neutrality stands out with all the brilliance and clarity of the midday sun. Pretended neutrality is like the toadstool that in shape and color appears like the mushroom, but hidden in its fibers is the very essence of a death poison.

#### THE MEANING OF NEUTRALITY

Thomas Jefferson, when Secretary of State in the Cabinet of George Washington in 1793, said that it was a solemn duty of any neutral nation "To prohibit such action as would injure one of the warring powers." He added, "No succor or assistance should be given to either party of foreign wars; no men, arms, or anything else directly serving for war." John Quincy Adams went even further and said, "Neutrality avoids all consideration of the merits of the contest." In no particular does the present proposal to repeal the arms embargo meet the conceptions of neutrality heretofore expressed by these or other American statesmen.

The discussion and consideration of the present neutrality law was based upon a purpose to avoid participation in foreign wars, to prevent a repetition of acts which helped to involve us in the World War—the destruction by belligerents of American lives, ships, and goods on the high seas, and the inflamed feeling of our people because of such incidents.

The nonparticipation policy, withholding of munitions to belligerents, then adopted, we are now asked to change. I inquire at the very outset and in all seriousness, Are we not in seeking repeal placing more importance on our trade than on a policy of absolute neutrality? Is not preserving our peace worthy of any cost or sacrifice in trade at home or abroad? I am not asserting, for it would be unfair, that all those who favor repeal of the arms embargo are thinking of trade benefits. But what answer can anyone favoring repeal make to the assertion that, even if the repeal of the arms embargo is not intended to help promote a business boom, it certainly will permit the sale of implements of war to provide human beings with instruments of death and destruction to use against each other?

To others who assert we must preserve our neutral rights of freedom of trade and freedom of the sea we answer that it is far more important to preserve the rights of the non-

vocal millions of Americans who would be the sacrificial victims of war.

Mr. President, we who are against repeal are primarily opposed now to a parade of war weapons from America to Europe because we never again want to witness the parade of dying and maimed American youths that emerged after the World War from Europe to America.

#### THE BACKGROUND OF OUR NEUTRALITY LAW

This extraordinary session of the Congress has been called to revise the present neutrality law. Before we take action it is appropriate to review in some detail the consideration Congress gave this subject long before the present war. Commencing in 1935 committees of the Senate and House held hearings for weeks and considered every phase of the problem of neutrality. The study was made at a time when the country was relatively free from propaganda and when our minds were concerned solely with devising ways and means for America to avoid involvement in wars.

These studies demonstrated that two courses of action by our country would certainly lead to involvement. These were: First, an acceptance by the United States of world moral responsibility; and, second, the conviction on the part of the American people that the avoidance of war by us was impossible. Those Americans who accept either of these two views are now privately, if not openly, advocating our participation in the present European war, disregarding the fact that the United States has consistently refused to participate in any international scheme that might lead to war as a possible eventuality.

In the study we then made of the subject of neutrality serious consideration was necessarily given to the American world position in contrast with the world position of European countries. The United States has no European problem such as overpopulation; it has no desire to obtain natural resources necessary for self-sufficiency and national defense; it seeks no colonies; it entertains no longing to revenge ancient rivals. None of these European ambitions concern us, and that is why our domestic welfare prompts us to avoid war, and by a rigid policy of neutrality avoid involvement.

The United States, because of its relative physical security, is almost alone among the world powers able to keep itself free from inducements to join its foreign policy to that of any other nation. The situation in Europe is very different. European nations have been forced to make alliances and agreements under special conditions. Though European nations may have no choice between war and peace, the United States' geographical position and nonalliance policy protects it from ever going to war except when attacked.

Our paramount concern then was, and still should be, to keep the United States out of war—out of any war—to preserve at all hazard our own peace and security; to preserve above all else our own democracy.

The sole question before the committees of the Congress and the Congress itself during the years prior to the enactment of our present neutrality law was, What course of action should America determine in advance that would best preserve peace for us when other nations are at war? What course would minimize the risk of our being drawn into a European war? It was clear that the temptation to join hands with friendly and favored belligerents was to be avoided and also the temptation to prevent the establishment of a close community of interest with the warring nations.

Congress had fully in mind that one of the greatest tests of our neutrality policy would be brought about by a European war in which nations particularly friendly to us would be engaged. It was well understood and known that the maximum pressure for participation of the United States in the European war would be exerted if nations particularly friendly to us became belligerents. Briefly stated, the very situation that exists today was foreseen, understood, and considered when we undertook to define our policy of neutrality.

Furthermore, it was well recognized that an effective neutrality policy could not be maintained by the United States without industrial, commercial, and financial costs. Congress,

after weighing all costs—the cost of keeping out and the cost of going in—almost unanimously decided the cost of human lives, human suffering, and human sacrifices far outweighed any cost in monetary losses. To avoid this stupendous cost Congress believed that all possible measures to resist participation in wars not of our making should be put into effect before a crisis appeared.

After full and lengthy consideration of this whole subject, after having the opinions of many expert authorities on international relations and the views of the State Department, Congress almost unanimously decided in the interest of American peace to establish a neutrality law with rigid restrictions. The purpose of the restrictions was solely to reduce the possibility of America becoming involved through the growth of commercial and financial ties with belligerents. This is the background of our existing neutrality law made in anticipation of just what has occurred and to protect us against the present war propaganda.

#### THE ISSUE

Because a war crisis in Europe has actually developed it is now proposed that we repeal the measures heretofore made to resist our involvement. The present issue, therefore, is whether or not we shall nullify our views and decisions made for our peace in time of peace and become an economic base of war supplies for one of the European belligerents. The issue is, Shall we now, because war has broken out in Europe, change a "thou shalt not" policy of selling arms and munitions of war to a policy of "thou shalt"? Shall we change our policy of "forbid" to a policy of "permit"? Shall we change our policy of nonintervention to intervention—to the extent of supplying to one of the belligerents destructive war weapons?

Up to this very hour we are at peace. We are not threatened. We are not attacked. We are at peace because the Almighty has separated us from Europe by a vast ocean; because our founders wisely guided us away from European alliances; because "in God we trust," not in the friendships nor promises of nations or men. I inquire what is to be gained, not by certain belligerents, but by America through the proposed change? Will the present embargo on arms tend to keep the United States really neutral longer than will any plan to sell the belligerents war supplies?

#### THE DANGER OF REVERSING OUR NEUTRALITY POLICY

Mr. President, candor compels me to state that I think of nothing, now that war has swept over Europe, that threatens more certainly to involve us in the present holocaust than deliberately to reverse our present policy of positive refusal to sell war weapons to any or all belligerents, and by solemn enactment offer the output of our munitions' factories for sale, knowing that only one group of belligerents can be our customer. No living being contends that we are morally bound to sell implements of war to any nation at any time. We are free to sell or not to sell. Our declared policy, the present Federal law, now forbids sales.

Instead of pleading here in the Senate of the United States for traffic in arms or war profits, we should be militantly resisting every possible step that will lead to traffic in human lives, the lives of the youths of America.

#### IT WILL HELP OUR FRIENDS

I am not unmindful of the claim that by opening our airplane and munition factories to belligerents, we will thereby help one side to a quick and perhaps total defeat of its enemy. If this purpose is consummated, repeal of the arms embargo will constitute a direct violation of America's obligation as a neutral. This is easily demonstrated to any unprejudiced mind. The present neutrality law was in existence before the war started. It is at this moment in force. To weaken this law now for the purpose of helping one side is a participation in war, one of degree to be sure, but in what degree no one can estimate in advance. It does not require any extended argument or the recital of precedents to demonstrate that when changes in neutrality laws are made during war the purpose of the change is all-important. When the purpose is solely and obviously to preserve our neutrality, such as some of the proposed changes

in the cash and carry of commodities, no claim of intervention can be made.

How long would any one of the small countries adjoining the war area of Europe remain at peace, if it declared in advance of war that it would not sell instruments of war, and following the outbreak of the present war, turned its munitions plants over to supply death bombs to one group of belligerents?

Why, if we really seek to be neutral, should we dare, merely because we are not adjoining the war fields of Europe and merely because we are larger in area, population, and wealth, do what we conceive no other neutral nation on earth would dare do unless it deliberately sought involvement in war? Instead of removing existing restrictions to help keep us out of war, we should be striving mightily to increase and multiply such restrictions.

To my mind, repeal of the arms-embargo law would be tragic. It would enormously increase our present serious peril. It is tragic enough to become involved in war by having a public opinion favoring peace, changed to one of war, through the ordinary mute incidents of war, our hatreds, our fears, or our sympathies, but it is criminal to plunge a free people into war by incidents and situations which result from efforts made to sell implements of war. War through financial entanglements is the most indefensible of all wars.

#### WHO ARE URGING REPEAL?

Mr. President who are those urging the repeal of our arms embargo aside from the Chief Executive and the State Department, whose motives, like our own, we concede to be actuated by what they conceive to be the best interests of the Nation? Others, however, disclose motives that seem to me to be based on other considerations than neutrality. I refer to those Americans who believe we should at once enter the war and who are for repeal of the arms embargo as the first step. They, of course, frankly concede they are opposed to the policy of neutrality. They are for war.

#### ARMS EMBARGO NOT UNNEUTRAL

Others, whose honorable motives we cannot question, though we think them mistaken in judgment, urge the repeal of the arms embargo for various reasons.

One of the most specious of all the arguments advanced during this controversy is to the effect that the arms embargo is unneutral in that it bears unequally upon the nations now at war. Of course, any restrictions or limitations inevitably bear unequally upon different parties. If we sell only for cash that is prejudicial to those without cash. If we require the purchasers to carry away what they have bought, that is prejudicial to those without transport facilities. If we forbid charter of United States ships by any belligerent that is prejudicial to those who had need for the ships and wherewithal to pay for them. The mere fact that by inevitable circumstances the present arms embargo bears unequally upon the nations at war is of itself no valid argument for its repeal.

The conclusion is inevitable, namely, if the embargo is unneutral to one side, lifting it is unneutral to the other. The purpose of neutrality is to avoid participation in war. Whatever steps a neutral country may take to remain neutral in order to avoid participation in a war will invariably affect the various belligerents unevenly. All will conceive it would be unneutral to embargo the export of arms to Japan while permitting their export to China. Likewise, it would be unneutral to permit the export of arms to either group participating in the recent war in Spain. It would be unneutral to embargo the export of arms in Abyssinia, while permitting their export to Italy. No one has claimed that we were unneutral in these three wars which have occurred under our present neutrality law. The precedents for refusing to export arms, munitions, and implements of war are numerous. During the Franco-Prussian War both Belgium and Switzerland placed an embargo on munitions of war. During the Spanish-American War the Netherlands applied a similar embargo. During the Russo-Japanese War of 1904-5, Sweden did the same thing.



## THE TEST OF NEUTRALITY

No nation can be charged with unneutrality for taking action made to apply equally to war belligerents. That is the test of neutrality—does a nation's action apply equally to all belligerents? At no time while the present embargo statute was being drafted or when enacted into law was the claim made that it was an unneutral act. Not the actual war in Abyssinia or that in Spain or China, but the threat of the present war in Europe was the first intimation that the law was unneutral.

It is because we desire genuine neutrality, regardless of its effect upon belligerents, that we are against the repeal of the arms embargo. We insist that our neutrality law be motivated, first and last, by a sincere purpose to avoid being drawn into a war.

But I revert to my original question: How will repeal of the arms embargo help to keep us out of war? Some of the proponents of repeal have an answer to this question which is usually expressed in guarded circumlocution. I propose to deal with it candidly. They rest their case on the assertion that this country is vitally concerned in the outcome of the war in Europe; that our national interests are at stake; that victory for Britain and France and defeat for Germany must be obtained at all costs; that if the war is of long duration, somehow or other we shall be drawn into it; that if we give all possible help to France and Britain now, it will tend to shorten the war and to insure their victory without our actually going into the war; that repeal of the arms embargo is one way to help Britain and France, and that when we do so we are helping ourselves.

I do not subscribe to this thesis. I concede that we are concerned with the duration of the war and its outcome. But I say in all earnestness and with every fiber of my being that the day we officially proclaim to the world our intention of becoming the ally of Britain and France and of making the United States their economic base of supplies, we move in the direction of taking the United States into the war and set in motion a chain of circumstances that in all reasonable probability will result in war. And that is the vice of the repeal of the embargo. It has become a token—a symbol. We in substance and effect, by the very act of repealing the embargo, now that the war has started, proclaim our intention of coming to the aid of Britain and France. We are asked to repeal the embargo in the name of neutrality and under the false disguise of a move for peace, when in fact it is the very opposite.

I do not say that retention of the embargo upon munitions will guarantee our escape from involvement in the present war. There can be no absolute guaranty. I do not say that repeal of the embargo will positively lead the United States into the war. I believe it will tend in that direction. I fear that will be the consequence of repeal. Why take the risk? We have nothing to gain and everything to lose.

## THE REAL OBJECTIVE

I repeat that underlying the present drive to obtain repeal of the embargo, underlying all the fine-sounding words about neutrality and international law, and the rights of nations, and about the alleged inexpediency and alleged inconsistency of attempting to differentiate between munitions of war and those things from which munitions may be processed, is the unspoken but dominant consideration, namely, to make the United States a base of supplies for Britain and France in the present war. There is no other real reason for repealing the present embargo. And therein lies our danger. For when we make the United States a base of supplies for Britain and France, when we undertake to provide them with munitions and all other needful war materials, we become to all intents and purposes, and behind a smoke screen of professed neutrality, an undeclared partner with them in the war upon Germany and such nations as are or may become allied with her.

We delude ourselves with the thought that it will not be necessary to send troops and that we shall not have to sacrifice American lives. Our partners will make the sacrifice in lives. All we have to do is to supply the munitions and the

foodstuffs; the airplanes but not the pilots; wheat, corn, and cotton, but not "cannon fodder."

But once we become accustomed to the idea that we are partners on the side of Britain and France, the next step follows very naturally—the notion that as a nation we cannot afford to have Britain and France fail. If United States munitions and supplies are not sufficient, we must lend our fleet and finally our soldiers.

I appeal to my colleagues in the Senate to guard against so disastrous a course; and the first step, the unnecessary and avoidable step, is the step which is now proposed—repeal of the embargo.

## AID TO THE DEMOCRACIES

Other repealists, at first subtly but now boldly, say "we must aid the democracies of Europe; we cannot remain silent and indirectly give support to the dictators." Let me quote from some of the letters I have received, and which I am sure are similar to what every Senator here has read in his mail:

I believe we should assist the democracies right from the beginning, both morally and financially.

Their war is not just a European war.

If this war should be long drawn out, and if it should develop that Germany was likely to win, I consider it inevitable that we would then be drawn into the war.

Regardless of what some of the sentimentalists and pacifists think, we are undeniably involved in the European situation, whether we like it or not. So, as an American, I feel we must assume our part in this war and preserve our dignity as a nation.

France and England are fighting our battles for us. If they are beaten, the United States will have to do the job.

I firmly believe that the present war is not a private quarrel; that England and France are fighting in the interest of the United States, and if they are defeated our own American liberties that we cherish will be seriously menaced.

Aside from the question of our joining the conflict it would seem to me to be the wise move to help the side whose victory would benefit us most.

Certainly this country cannot stand by and see the democracies beaten.

We feel this country should give every possible aid to France and Britain irrespective of whether it will involve us in this war or not.

We should align ourselves with England and France, cost what it may.

We need to assist what, without doubt, is now our first line of defense, the British Navy.

Whatever idealistic justification can be urged for this attitude, which is more powerful than peace advocates realize, certainly to translate these sentiments into actual effort by our country to take sides with one of the groups of belligerents is far from real and honest neutrality.

## AN OVERT ACT

Mr. President, the Congress is now asked to perform an overt act, to declare to the world that we will hereafter in an official way give practical aid and assistance to the belligerents at war, knowing that only one side can be our customers. Furthermore, it is proposed to make this change of policy now in the very midst of a bitter, vicious, and diabolical war.

A neutrality attitude or law deals solely with the relationship that a peaceful nation entertains toward belligerents at war. If a nation's attitude goes beyond its sympathies and actually aids, supports, and supplies munitions to one side, it is not neutrality; it is intervention; it is a direct move from peace toward war.

To my mind, repeal of the arms embargo at this time is a direct assault upon one group of belligerents, and it is in fact deliberately so intended. It will cause resentment—resentment that has not heretofore been manifest. It is, in my judgment, a positive unneutral act that bears all the germs of war breeding. Whatever might be said in favor of repealing the arms embargo before the war, no one can now justify it as an act tending to help keep us out of war. Why is it now proposed? Its only honest justification should be to promote noninvolvement, and it has no such justification.

## THE ISSUE MUST NOT BE CONFUSED

We must not permit this issue to be confused. The assertion is made that those who oppose the repeal of the present statutory embargo on the export of munitions of war to belligerents are inconsistent, in that they are at the same time favorable to unrestricted trade with the belligerents and the

exportation to them of all other commodities and supplies. This assertion is utterly mistaken and false. The fact is that those of us who oppose the repeal of the arms-embargo provision of the present law are insisting and demanding that every single, sound proposal that would strengthen our position of neutrality shall be speedily adopted. We are unalterably opposed to the repeal of the arms embargo because it would seriously weaken—indeed, it would emasculate—the present law and would immediately, definitely, and completely destroy our present attitude of neutrality. Repeal would inevitably be construed by the world, even by those governments it would aid, as a deliberate, intentional move to assist one group of belligerents. We insist that such a course of action would directly threaten our peace, security, and future influence in the world and would destroy the powerful position our Nation ought to assume at the present time—namely, genuine, honest, unmitigated neutrality—not only for the purpose of protecting our citizens from involvement in the horrors of the European war, and also to enable us to be in a position, if and when such an eventuality arrives in Europe, to help reestablish peace and order in the world, but, above all, to preserve intact and undefiled our present democratic institutions.

#### THE LOST OPPORTUNITY

Mr. President, how sad and tragic is our situation. We have been arguing here for weeks in the United States Senate over the sale of war weapons. What a great opportunity is being lost. To my mind, America should stand like the Goddess of Liberty—strong, erect, holding the torch of peace, illuminating this dark, gloomy, and saddened world with rays of future hope to its wrecked humanity, revealing profound and unmistakable sorrow for the human beings being slaughtered in the present world's cataclysm, towering above the misunderstandings, entanglements, hatreds, and ambitions which precipitated it. We can do this only by remaining neutral, a neutrality that may disappoint friendly nations, but one that the world at large will respect. Let our neutrality be based not alone on our own welfare but also upon the premise that when the time comes we will be in a position to serve the human family, to promote the brotherhood of man, to preserve the spiritual values that have come down to us through the centuries, and to welcome the innocent but misguided men and women of all races back to peace, to progress, to another Easter morn.

It may be said that this is idealism; that it is not possible or practicable. Then, at least let us make the effort and also be practical. Can we not be practical without participating in the hellish plague that is sweeping over Europe? Yes; we can build up our Army, Navy, and air force so that if our expressed ideals do not command the respect of the world and secure peace for ourselves, our impregnable military and naval strength will assure us protection if the time should ever come when all the mad leaders of the world turn on us. At least we will then be fighting unitedly and solely for America, and we will be proud to fight for her.

#### WE CANNOT KEEP OUT

Let me turn now to certain general observations.

The most pernicious and dangerous thought with respect to the present war in Europe is the thought that our own involvement in the war and our own entry into the war are somehow or other inescapable and inevitable; that much as we may wish to escape, we shall not be able to do so; that whether we get in or whether we stay out rests not with ourselves but with the circumstances and events beyond our control. I challenge these implications. I denounce such doctrine.

I consider this to be an utterly mistaken belief and a complete misconception of the realities. I regard the rapid spread of this idea as tending to jeopardize our immunity from the war and as tending to bring to pass the very thing which we profess to be most eager to prevent, namely, war for the United States.

I am shocked and profoundly disturbed to find how prevalent among many officials of our Government and Members of Congress is the notion of the inevitability of our own in-

volvement in the war in Europe, the notion that we are destined to be swept into it despite all efforts to stay out.

I say with all earnestness that this is an utterly mistaken notion and one which should be promptly discarded. Our involvement in the war is neither necessary nor inevitable. It can be avoided. War must be escaped, if we are to preserve our own Nation and our own democracy, to say nothing of the lives of our own youth who will be sacrificed if we get into the war. We submit that one important safeguard is to retain the present embargo on munitions, and at the same time take adequate additional precautions.

#### PROPAGANDA VERSUS HELPLESSNESS OF THE PEOPLE

At work in this country today are propaganda and other forces, unable to treat the present war objectively, which would lead us inevitably toward war. Our bewildered and confused people, desiring peace more than anything else in the world, seem unable to comprehend, let alone move to avert, the reality of this situation, which, if the war continues, may slowly but surely bring this Nation to the brink of another international disaster.

Of what avail is the feeble voice of the people against the overwhelming power of propaganda? Of what account is their plea for peace, unorganized, humble, springing not from the counting rooms but merely from the homes, the firesides, the family circles of the great masses of American people who have little to say about creating wars which their sons and husbands must fight? How can they hope, within their limited capacity, to influence the course of legislation? Groups heretofore bitterly irreconcilable toward the administration on recent domestic economic questions, and of diametrically opposite social philosophies, have now come together on this single issue, with the design of immediately legalizing traffic in death-dealing implements and munitions of war which by its operation insures wartime profits to American industrial and banking interests.

#### PREJUDICES AND PROFITS

How can the voice of the plain people of America hope to reach the ears of advocates of entry into the war who are determined to take sides, as they assert, to save democracy in Europe lest it be destroyed here? As one of them has written to me:

We feel this country should give every possible aid to the Allies, irrespective of whether it involves us in war or not.

Another writes:

It would improve business in this country, put a good many people back to work, and bring nearer the balancing of the Budget.

Such citizens have permitted their sympathies, hatreds for certain European leaders, and unfounded fears, or their personal interests, to obscure the consequences of our participation in another European "blood bath." They are immune to rational argument and blind to America's true interests. They substitute bitter prejudice or financial gain for the genuine neutral spirit.

How can the pleas of the people hope to touch the hearts of the calloused groups, prompted solely by financial self-interest, which seek to put us into this war in order to reap profits?

Shall we, their representatives in the Senate of the United States, remain deaf and unmoved by their pleas to resist every step that might involve us in war?

War profiteers are enthused again, as they were before and during the World War, to destroy autocratic aggressive forces in the world and save democracy. These who I dare not believe truly represent the vested wealth of America, the bondholders, the speculators, the swivel-chair brigade of 1917, are again on the march for democracy in other lands, though in times of peace and at home they are its bitterest critics. In peacetime, when the Nation finds it necessary, on the principle of ability to pay, to tax wealth to feed the hungry, shelter the homeless, and clothe the naked of our unfortunate brethren, these very groups charge the Government with confiscatory radicalism. In thinly veiled assertions of protest, they inveigh against democracy, rail against legislators trying conscientiously to perform duty; indeed, most acrimoniously assail our Executive when he, in the spirit



of Christian charity, seeks to aid the impoverished and the underprivileged. In peacetime these are reactionary last-ditch Tories, who despise representative government unless they can control its course. Thank God, these aggressive promoters, profiteers, and speculators do not truly represent the American businessmen, who in the main are humane and progressive.

When war comes, when war stocks boom "on the Street," when steel mills start turning out their tools of destruction, when munitions factories burn with activity fashioning weapons of death, when rising prices threaten inflation, when speculative markets bound upward and offer another chance to reap profits at the expense of the mothers and youth of Europe and America, these groups acquire a sudden passion for democratic institutions, not here in our own country but in other parts of the world. If the claim could not be asserted that democracy were threatened, if some case could not be made out by the propagandists to delude our helpless people into the belief that our security is being jeopardized by the conflict between European powers, these groups would have no grounds whatever, except that of trade profits, for urging the repeal of the arms embargo.

Does anyone conversant with the history of this Nation since 1933 believe for a moment that many of these present-hour lip servants of democracy are supporting this joint resolution because of affection for the general policies and objectives of this administration? Let there be no mistake about it: These groups, apart, of course, from the open advocates of belligerent help for the so-called democracies, are interested in just one thing—the profits of war.

#### OTHER FORCES SUPPORTING REPEAL

I realize that other forces are supporting this traffic in arms and implements of war. I do not impugn their sincerity or question their right to urge their views, though I seriously challenge their reasoning and their judgment. I am conscious that some conscientious citizens see in the present European conflict a war between subversion, irreligion, authoritarianism, on the one side, and the alleged righteous constructive democratic forces of the world, on the other. This is a superficial view. Religion is too deep-seated in the human breast to be crushed by tyrants.

Others whom I have mentioned possess such devotion for certain foreign governments because of blood ties or cultural affinities that they advocate immediate, direct, and unhampered association with the cause of our former Allies. These are influential and unceasing in urging our entrance into the war, or at least open assistance by furnishing arms to one side of this terrible conflict such as is proposed in this measure. Peace is secondary to most of these groups.

Following these views, we would, in effect, by sending arms to one side in this war, be deliberately rendering assistance to the democratic governments of Europe in the hope and belief that in so doing absolute governments would be destroyed in Europe, and our own democracy thus safeguarded. On this theory, is it not cowardice to stay out of the war, to let other nations fight our cause, and merely send them weapons and ammunition? If we believe the issue is salvation of democracy in America, ought we not, in honor and self-respect, to throw all our resources and strength, including our manpower, behind the cause of the former Allies?

But there is no such issue. Our frontier is not on the Rhine, in France, or any other part of the world. Our frontier is the oceans with which the Almighty has surrounded us. If we must fight against subversive forces of the world, let us fight when our security and liberty are assailed here in America.

#### NOT A WAR OF IDEALS

Let there be no mistake about another fact: This is not a war for ideals of democracy. In 1917 we entered the war, so our people were told and believed, to preserve democratic government, to sustain democratic civilization. How completely we were deluded in realizing these high aims is too well known to bear reiteration. But today we should not again labor under such misapprehensions. It is plainly manifest that ideals are not the motivating force of this war. Quarrels

over territories, struggles for control of subject peoples and their natural resources, the furtherance of nationalistic interests, and preservation of the European balance of power for the victors in the World War are the real reasons for this conflict.

The present disputes arise directly out of the Versailles Treaty, which in spirit, letter, and result abandoned every pretense of adherence to the ideals for which the war was fought. That treaty distributed territories, colonies, and control over hundreds of millions of subject peoples in Europe, Africa, Asia, practically everywhere in the world, on the principle of pirate division of spoils, with little or no concern for the racial, geographical, historical, or ethical rights of millions of innocent, peace-loving minorities.

From such ruthless division of spoils another European conflict was as inevitable as the rising sun. Our people then refused to sanction that treaty. Our people now will not sanction any move by this country, directly or indirectly, to perpetuate its indefensible provisions at the point of the sword. I sincerely believe that the American people, when fully aware of the implications of this joint resolution, will demand immediate and complete protection against involvement in war. They have the right to and may well demand a popular expression on the question of our entrance into foreign wars of aggression.

#### THE PRESENT LAW NOT UNNEUTRAL

Who can fairly deny that this measure aims to give direct aid to one side of the present war? Strip it of its smoke screens, of the parts in which we are in practically unanimous agreement—the sections which protect our neutrality by limiting the activities of our nationals and shipping in combat zones and in financial commitments—and what is left? Merely a privilege accorded to nations on one side to obtain war weapons, munitions, and destructive implements to be used to wage their war and to maim and slaughter not only the soldiers and sailors of belligerents but, in all certainty, innocent noncombatant population as well.

#### TERRIBLE PROSPECTS OF RENEWED WARFARE

Who can have the slightest doubt that when this war starts in earnest, as it will if peace overtures are rejected, all restraints will be cast to the four winds, all rules of international law torn up as scraps of paper, as they always are in time of war? Who can doubt that when present time-marking ends and hostilities commence in earnest every weapon, every known device, every species of poison gas, disease-laden explosives, liquid fire, and other inhumane and torturous implements will be used by the belligerents against each other? Who can doubt that unrestricted submarine warfare will be waged by the Central Powers in a desperate effort to stem the stream of war implements and munitions destined to help the other side of this contest, which will flood the high seas as soon as the arms embargo is lifted?

Oh, yes; our munitions factories will hum with activity, profits will pour into the coffers of American bankers and industrialists, and after the war there will be another depression, but in Europe millions of youth will be decimated by these very weapons of death which our Government permits to be sent to help one side in this war, in the hope and with the intent of obliterating the other. Is this not mass murder? Is this not making our Nation a direct accessory to the slaughter of human beings, some of them innocent noncombatants?

The American people will resent, when they fully realize the results of repeal, a situation which makes their Government a direct accessory to the murder of millions of their fellow men, women, and children by bombs and airplanes labeled "Made in America."

#### NO NEUTRAL RIGHTS UNLESS COMPELLED BY FORCE

Much has been said in this debate about asserting our neutral rights under international law. Neither this Government nor any citizen or business interest thereof has any neutral right or any other kind of right, moral or legal, to trade with belligerents if that trade threatens to plunge this country into war. Neutral rights are no stronger than the will and power to enforce them when they are violated.

War suspends and vitiates neutral rights, because it abrogates international law, which is their sole sanction aside from direct force. Our World War experience taught us that bitter lesson. Let us not be again fooled by partisans and propaganda. We have our neutral duties, which are far more important to our people and the world than any neutral rights. These duties require us to shun and avoid any act or gesture indicating unneutrality which might by any circumstance involve us in war. They forbid us to become jingoists, or to put the proverbial chip on our shoulder.

#### DIFFERENCE BETWEEN SELLING ARMS AND OTHER SUPPLIES

It is argued, "Why should the United States forbid the shipment of arms and munitions, yet permit trade in cotton, iron, steel, and other supplies out of which arms and munitions can be made?" This argument is weak and technical. It does not strike at the root of this controversy. Bombs and shells, guns, airplanes, and other implements are used for only one purpose—war—killing and destroying. Cotton, iron, and steel and other supplies, while they may be used to make war weapons, are ordinarily used for a hundred peaceful purposes of life having no connection with war. In any event, I am not concerned about any inconsistency, implicit in this argument, as it affects my opposition to the repeal clauses, because I favor and would vote for the suspension of all trade with belligerents if that were necessary to prevent or minimize the chances of our involvement.

What difference will it make to the Central Powers, after the embargo is repealed, that these instruments of destruction were not carried in American ships? What difference does it make in the moral aspects of the question that only the belligerent ships of one side are permitted by this measure to bear munitions to the battlefields of Europe? Whether death-dealing weapons are transported in allied ships or in our own, they are destined to kill millions of young men, millions of innocent women and children, the aged, infirm, and helpless of Europe. Will the Central Powers consider how these munitions are sent to Europe, whether on American or on foreign ships? Or will they deeply resent the actual shipment as an act of discrimination and unneutrality—yes, hostility—and will they not move speedily and use every resource to cut off the supply of war weapons?

Let us contemplate now, not when it may be too late, the possible consequences of this repeal. I have no desire to overdraw the picture, but I desire to explore every possible eventuality.

#### RETALIATION WILL FOLLOW REPEAL

If the Central Powers come to despise and hate us for this unneutral position, is there any power on earth that will stay their fury and desperation to suppress these shipments at the source? This means submarine, even airplanes off our coast, outside our harbors, lying in wait for munition-laden ships, sinking them indiscriminately. It means convoys—battleships, destroyers, and other craft—vessels of war hounding our very shores to afford protection and escort to vessels bearing death and destruction to Europe. It means battles off our coasts, unrestricted submarine warfare, reprisals, retaliation, the destruction of ships carrying American citizens, the sinking of American ships by mistake, or in the very extreme of desperation without pains of identification, in order to cut off war supplies to our former Allies, which are dealing out death to the people of Central Europe, belligerents and noncombatants alike. It means bringing the European war right to our front door; it means incidents, a repetition of 1917, and finally war—war in which we ourselves will be involved—for the very same reasons and in the very same way that we were involved in 1917.

#### PREPARED FOR WAR?

Then what? Are we prepared for war? Are we doing enough in a constructive way to prepare for eventualities arising from this war to protect our shores and our homes? We are interested now, in my opinion, largely because of unrestrained sympathies and the lure of gain in sending to Europe war materials which we badly need for our own protection and our own adequate self-defense, which may embroil us in that war and make our whole country the mark

for foreign aggression, airplane attacks, internal sabotage, and disorder. But, as every Member of this body knows, we are totally unprepared to fight even a defensive war waged from the air by resourceful enemies which may occur under some conceivable circumstances from both sides of the American continent and from South America. We are totally and pitifully unprepared to wage a war of aggression to be carried on abroad, which would, as before, require transportation of millions of Americans to Europe.

#### WHAT PRICE GLORY?

In 1917-18 we transported millions of men to France in our own and allied ships. Many of them fought and died there. Many were maimed beyond recognition, and since have lived in suffering and isolation—the mental and physical black-outs of that war. We paid high prices to the Allies to carry these American boys across the seas to stave off certain allied defeat—"to save the world for democracy," as we were told. We even paid high rent for the trenches in which our gallant soldiers fought and died, and for the humble graves, marked with plain wooden crosses, in which our heroic dead lie buried. We did this with elaborate, combined convoys of American and allied battle craft.

#### NECESSITY FOR BUILDING STRONG SELF-DEFENSE

Instead of spending our time and energy in enacting legislation which will mark us as unneutral and partisan before the world, destroy our moral influence as neutrals, and ultimately surely involve us, we should be giving our attention to building up a strong, impregnable defense, an Army, Navy, and air force greater than any other in the world, a system of national defense embodying an enlarged Navy and Army, adequate coastal fortifications, antiaircraft guns and aircraft that will compel respect from all nations and insure complete protection against any eventuality which may develop out of the chaos and disorder of Europe and Asia. We may some day be the targets for all the maddened tyrants and militarists in the world. Let us be ready. If that happens, we shall all be proud to fight for our own country.

#### CREDIT AND CARRY REPLACES CASH AND CARRY

I wish to make brief reference to the credit provisions of this measure. We commenced with the doctrine of cash and carry—transfer of title and cash payment in the United States, transport by foreign ships. That was the propaganda to our people. Cash and carry is an insinuating phrase, a harmless, right-sounding phrase. To our people who did not stop to analyze it carefully, it appeared at first bluish a fair, impartial solution of our trade problem, if in time of war there is conceded to be a trade problem, if the question of profits out of war should ever be permitted serious consideration. But now our people have awakened to a full realization of some of the realities that would follow this proposal.

First, they observe the introduction of credit provisions. Secondly, they are disturbed about the cash features of the joint resolution. Where is the cash coming from? It was apparent to the international bankers, associated munition-maker industrialists, and sundry mercantile interests seeking profits out of war, that the cash of allied belligerents would not last very long after traffic in arms was legalized. These groups knew, and knew well, that the only resources the allied governments had in this country, apart from private holdings of their subjects, difficult to marshal, were a few hundred millions of dollars in earmarked gold. They were well aware that these sums were insignificant as compared with the incalculable amounts—the billions—required to finance a modern world war. The few hundred millions would be speedily exhausted, and then some other plan for transfer of title and purchase must be devised. Accordingly, the credit clause was inserted in this joint resolution, allowing purchases, transfer of title, and payment in 90 days. Thus this measure became not cash and carry but credit and carry. Now, as we approach a vote on the measure, this revised clause has been abandoned. There are strong reasons why it should be.

#### CREDITS WILL BE ULTIMATELY PAID BY AMERICAN TAXPAYERS

Any person conversant with international finance and the mechanics of international exchange knows that these credits



are a misnomer and a deceit; that after the first comparatively limited credits are discharged, the remainder never can and never will be paid. Were the World War debts paid? They were credits—credits negotiated to save the Allied Powers, extended at a time of crisis and great moment, when their very existence as independent nations was at stake. Were they ever redeemed? Of course not. Certain foreign governments have since boasted of their balanced budgets; but \$12,000,000,000 is still owed the United States since the last war, and is saddled as a permanent debt upon the backs of American taxpayers—ironic evidence of the kind of gratitude our Nation received for saving the Allies from extinction; brazen repudiation of just debts.

It is very easy, indeed, to balance a budget when you repudiate your debts, as our World War Allies have done. But the American taxpayer cannot follow this course. He must struggle and sacrifice to pay, not only to maintain necessary services of his own Government but also for repudiated credits which we gave the Allies in the World War.

#### CREDIT CLAUSE IS A MYTH—IT PROMOTES WAR

The 90-day credit clause in the joint resolution is a myth. The real result of this clause would be to place the burden of these credits—which would be repudiated and renounced, just as surely as those in the World War were defaulted—upon the American Government and the American taxpayers. There is only one way to accomplish that result unless we repeal the Johnson Act, which now prohibits loans to debtor nations, and that is to plunge the country into war. Then, as in the last war, we will underwrite the obligations of our allies, assume liability for their credits and loans from American bankers, and finance the entire cost of the war. That is the purpose, that is the design, that would be the inevitable result of the credit-and-carry provision. Its excision leaves of all the original contentious clauses only the arms embargo.

#### WHY PENALIZE AMERICAN SHIPPING INDUSTRY?

If we are going to sell arms to the Allies—and I oppose this policy with all my heart because I believe it means war—why penalize our own shipping industry? In the past, and even now, we have subsidized American shipping. If it is a question of "taking a chance" that deliveries can be made without mishap, which is to me incredible, why not give to American shipping interests, which may be ready and willing to take that chance, the privilege of gaining some of the profits of this nefarious traffic in arms?

If we permit such war supplies to be carried from our shores at all—and we are doing it by the terms of this joint resolution—it will make no difference whatever to the Central Powers whether they are carried in American or in foreign ships. In any event, many of the ships will be ruthlessly sunk, their cargoes and crews destroyed, and we shall get into this war just as easily and just as certainly, no matter which ships are sunk, because American citizens or American interests will be affected in either case, and the "overt act" of 1917, so ardently awaited now by some of our countrymen, will find a most acceptable and welcome repetition.

#### STRONG NATIONAL DEFENSE AND PEACE

Repeatedly I have stated my belief in a strong, impregnable national defense—a two-ocean navy exceeding in strength and modernity any other in the world, a mechanized, sizable, well-trained army, and a vast fleet of aircraft and skilled pilots, capable of combat on land and sea, which would serve as positive protection for America under any circumstances against any combination of powers. Whether or not we are going to war, let us be prepared to cope with any and all potential enemies.

But why go to war? Is it not unthinkable, unnecessary, futile, something to be shunned as the sting of death? Would it not be more in keeping with our traditions and ideals to promote international peace? Is it not appropriate that America, the stronghold of democracy, the citadel of individual liberty, the lover of humanity and champion of human freedom, should speak out, should cry out in protest against the continuance of bestial slaughter in Europe? While we are enacting this dangerous measure, pregnant with possibilities of gravest trouble for our country, can we not, in the

name of the Prince of Peace, speak one word for the cessation of hostilities?

This is not a time for petty feelings toward other nations, toward their beliefs, their forms of government, their differences of opinion with us, or objectives of theirs which we condemn. There is no action short of involving ourselves in this horrible war which we should not willingly take to bring peace again to the world. Can we not speak just once in the name of the poor and helpless of Europe who are making the supreme sacrifices to the god of war? At a time like this we should and must extend all possible good offices in a generous Christian spirit to the belligerent powers. Neither sympathies, personal differences with some nations, diplomatic niceties, or any other petty consideration should defer us from speaking for the cause of peace.

#### DUTY MORE COMPELLING THAN ANY OTHER CONSIDERATION

Above all, we must be resolute and determined not to be involved in this war, or any but a defensive war to save and protect our own Nation. I exceedingly regret that I must oppose the will of the administration on this question. But deep-seated convictions of conscience and duty must prevail over every other consideration.

As I am given the light to see it, the enactment of this joint resolution, and the events I believe are certain to follow, threaten war for my country. History is simply repeating itself. The days of 1917 are being reenacted. The draft law is already prepared. The blanks for the casualty lists are ready. The Government, finance, industry, all are in a war state of mind, ready to accept the inevitable.

One fact is clear: The great masses of our people hesitate and cringe from this terrifying eventuality. My first duty is not to any foreign government, foreign people, or foreign sympathy; not to any military conflict in Europe against dictators and tyrants, whose philosophies and methods I abhor and distrust. My first duty in this great crisis in our history is to the mothers and sons of America who would be—who will be, as I truly believe—the real victims and sufferers of war; to the youth, the citizens of tomorrow, the future torch-bearers of American democracy, who are already sufficiently beleaguered by economic misfortune, without marking them for slaughter. I can never cast my vote in this body to send a single American boy to death on a foreign battlefield in a war of aggression, or to bring a tear to the cheek of a single sorrowing, grief-stricken American mother. Treasure and manpower unstinted to defend our country from the unprovoked attacks of the war-crazed tyrants of the world, but not one penny, directly or indirectly, for foreign wars, foreign destruction, foreign slaughter of American youth.

Therefore, I shall vote against the repeal of the arms-embargo clauses of the pending measure.

[Applause in the galleries.]

Mr. BARKLEY. Mr. President, I must repeat the point of order which I have heretofore made, as I think it is my duty to do, that, under the rules of the Senate, demonstrations by occupants of the galleries are not permissible. I trust that not only will our guests observe the rule but that the Chair will enforce it.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The point of order just made by the Senator from Kentucky is well taken. The occupants of the galleries are guests of the Senate, and common courtesy dictates that they should observe the rules of the Senate. The attendants in the galleries are directed to enforce the rules of the Senate.

Mr. MALONEY obtained the floor.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Brown	Clark, Mo.	Gillette
Andrews	Bulow	Connally	Green
Austin	Burke	Danaher	Guffey
Bailey	Byrd	Davis	Gurney
Bankhead	Byrnes	Donahay	Hale
Barbour	Capper	Downey	Harrison
Barkley	Caraway	Ellender	Hatch
Bilbo	Chandler	Frazier	Hayden
Borah	Chavez	George	Herring
Bridges	Clark, Idaho	Gibson	Hill

Holman	McKellar	Pittman	Taft
Holt	McNary	Radcliffe	Thomas, Okla.
Hughes	Maloney	Reed	Thomas, Utah
Johnson, Calif.	Miller	Reynolds	Townsend
Johnson, Colo.	Minton	Russell	Truman
King	Murray	Schwartz	Vandenberg
La Follette	Neely	Schwellenbach	Van Nuys
Lee	Norris	Sheppard	Wagner
Lodge	Nye	Shipstead	Walsh
Lucas	O'Mahoney	Slattery	Wheeler
Lundeen	Overton	Smathers	Wiley
McCarran	Pepper	Stewart	

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. MALONEY. Mr. President, I may first say I cannot believe that there is a Member of Congress more anxious to avoid war than am I.

I am not so presumptuous as to believe that what I now say will have any bearing upon the votes of Senators, or any great effect upon the viewpoint of my fellow Americans. I do, however, have a desire to express some of my own views on the important proposal under discussion.

Since I admit to myself that there is little likelihood of conversion to the views I hold, I speak with the hope that my contribution to this important debate will in some degree tend to bring a greater calm to the people of the country, and especially to the constituency which I have the honor, in part, to represent.

My own mind is clear, and my conscience is now directing me without the slightest hesitation. I must frankly say that I should prefer that I had never been called upon to vote on this measure, but I hasten to add that I do it with no doubt of my duty.

It seems to me, and my prayers go with the thought, that there is still some hope for an early peace in Europe. I do not mean that I want to see peace at any price, because to me liberty is still sweeter than life; and until the uncertainties of an Old World gone mad can be adjusted with a reasonable assurance of enduring peace and calm, and until the wrongs are righted, those people who are suffering the bitterness of the struggle are in a better position to try to work out their salvation than are we.

I want to see a peace without indemnity—other than the restorations of the rights which have been taken away—and with no other or greater demands than that all the nations disarm, that the world may at long last live in enduring peace. I want to see no peoples destroyed.

We are not now dealing with a political question, Mr. President. This momentous problem does not in any sense call for the following of a party, the President, or congressional leadership, or the views of a sincere and articulate but not major part of the people we represent. The crying need of the moment is a leadership of conscience, and the demand of the hour that we do what is best for America and humanity. It seems to me we betray ourselves and our country, and our people and humanity, if we hesitate to do what we think is right because we fear to create hard feelings, or fear to trespass upon the views of men who themselves have been viciously careless of the comfort and happiness and rights of those about them.

We cannot worry about what some people in a distant land think of our action here. We have the solemn obligation of doing what appears to be the right thing, though it may seem to tread upon the feelings of some of those across the seas.

This is not a game, Mr. President. We are dealing with a consideration of the horrors and the cruelties of war. We are not bound by rules of a game. International law, as we so bitterly learned in the last war, is just about what powerful governments say it is; and, while I do not think the pending joint resolution in any way affects international law, I wish someone would tell me how we should undertake to repeal an international law which has been carelessly conceived.

Our first duty in this instance is to "mind our own business," and minding our own business means affording a protection to our people, a protection against war, a protection against the staining of our national honor, a protection against loss of the high moral code that has endured for a century and a half, and a protection against the abandonment of Christian ideals. Government is instituted to protect

its own people, and, as I see it, that government is cowardly which sacrifices its moral and spiritual values, or the protection of its homes and firesides, because of a fear that it will offend the hopes of rulers beyond its own dominion. Heaven knows that they have not worried about their offenses against us.

At the moment some good people of our country are going through a period of hysteria. Added up, or boiled down, however, the unanimous desire and demand is that we take the path away from war. Men's minds are confused, and the noble, tear-stained, heavy-hearted women of our country, hateful and fearful of war, cannot banish the fear that their sons and loved ones may be called away. It seems to me that this feeling has been to some extent unnecessarily magnified, and, reluctant as I am to say it, that men in high places have unintentionally contributed to the fear. I have felt, Mr. President, and now feel, that some statements have been too intense for safety and comfort, and that while both sides of the debate have been logical to a degree, there has been a carelessness of overstatement which has helped to create heartaches in the homes of the great and the humble.

It is my opinion that the pending measure will in no way increase the danger to us, while almost all admit that there are features of it which add to our protection against war. With portions of the measure I am not in agreement. I believe that in its present form it tends to stifle our merchant marine, and unnecessarily demands sacrifices on the part of American business, and seafaring men, which should at least be lessened. On the other hand, I do not believe that it goes far enough in connection with the matter of payments by those to whom we sell our produce and our products. We should be paid in advance of their shipment. No goods sold to warring nations should go in our ships or in our name. American ships and American people should travel in known danger zones at their own risk, and while such a policy may be a partial surrender of our rights, we must recognize the realities of war. No man, or group of men, should expect his countrymen to share the risks of his quest for profit or adventure. I shall help in the effort safely to liberalize the proposal in the first instance, and to strengthen it in the second.

Lest I be misunderstood, however, let me say clearly that I share the heretofore expressed opinion that the time for legalistic hair-splitting has gone, and all things taken into account, it is clear to me how I shall finally vote.

Like other Members of Congress, I have undergone harsh criticism, and have suffered political threat. Like other Senators, I have neither the time nor desire to take into account the possible personal after effects. I took my oath here with all of the sincerity with which I am endowed.

When a constituent of mine or an occasional constituent of another Senator writes me that he "wants no war," or "wants no blood money," or that Members of Congress "should not harken to the pleas of the munition makers" or "the war mongers," I know that I cannot easily make him understand that I feel just as he does unless I am willing to vote as he asks me to vote. I am sufficiently enlightened to know that there is no present argument against his feeling. Men and women who write in that tone and in that vein are expressing a conviction, and convictions are ever so slowly set aside. I know that the people who feel so intensely on this measure may one day put into effect the threats they have made, but to act otherwise than in accordance with one's judgment and conscience would be as a man washing his hands in the face of the possible threat of Christianity's crucifixion. The European war involves a threat to religion and, as a consequence, to the dignity of man, and it behooves us to be certain that we do not give impetus to the threat by our failure to correct an unfair and unneutral situation which we ourselves created. Whether or not religion was threatened, our duty would be the same; but I point to the true state of affairs fully to emphasize the seriousness of our responsibility.

I have listened as consistently and intently as possible to all of the debate up to this time. I have been attentive to the interesting discussions on the radio, and to the extent



that the hours of the day would permit I have hungrily read everything written on the subject by outstanding students and observers. Let me say, Mr. President, that up to this very moment I have yet to find that Senators opposing the proposal of the Foreign Affairs Committee have logically linked their fear to how we might possibly enter this war. What they have done, however—unintentionally, of course—is to give force to the idea prevailing in some minds that the vote on the pending measure is in effect a vote on the question of whether or not we are to go to war. There are persons who firmly believe that Senators who vote "yea" on this proposal are actually taking the first step toward sending young Americans to fight. Some Senators believe that. They have come no closer to a logical argument, however, than an inference that we will suffer an attack over here.

To me that argument is fantastic. I have patiently waited for an argument which might, even to a slight degree, strengthen the contention that the passage of the joint resolution would be the first step toward war. That presentation is still delayed, and my own conviction becomes the stronger. Let me say again, however, that we should demand cash for what we sell, in order to avoid the possibility of misleading anyone in Europe.

Let me say at this time, Mr. President, that if there is reason for any nations in Europe to believe, or to entertain the serious hope, that at some later date we may enter this war, no ground for such belief has been afforded by those who favor repealing the arms embargo. The encouragement, if there is any—and I hope there is none—has been given, unintentionally, of course, by those who are opposed to the pending measure.

Let me serve notice, if my feeble voice can in any degree serve notice, that we will not later treat seriously any cry that we were willing to sell munitions abroad for a profit while there was cash, but would refrain from selling them when cash was exhausted. I want to make that statement clear, so I shall take the time here and now briefly to reexplain my view on that part of the joint resolution which is the real bone of contention.

I think that, insofar as the question of the arms embargo is concerned, the United States is confronted with a moral responsibility. When I say that, I speak my own views. I know that some Senators anxious to support the Foreign Affairs Committee have an especial desire to give what help they can, short of America's participation in the war, to the nations which are generally regarded as being on the defensive. I cannot harshly criticize them because moral values were cast aside with the destruction of the none-too-powerful little countries of Europe. Granting that those who were at Versailles committed sins against themselves and the world, and sorrowful as we were and still are that they neglected the admonition and pleading of our great national leadership, is there one who will say that the way to set aside what was done at Versailles is by bombing defenseless women and children? Is there one who will insist that the errors of that faulty conference table justified the death of thousands of German young men, and the lives, hopes, and aspirations of Czechoslovakia, Austria, and Poland?

I mention this that I may let it be known that I understand the feeling expressed by other men. That, however, is not the feeling directing my vote.

During the days just behind us I have listened to Senators tell of the black marks on the record of the British Government. Theirs was not a new story to me. All my life I have heard of Britain's persecution of God-fearing and God-loving people. Almost by heart I know the whole story of those subjected to the violent dictation of England's might. My abhorrence of the dark shadows which British leaders have cast upon decent governmental practice has been as violent as England's rule; but I am not so blind as not to know that the English people were not to blame. What the governments of England have done has little bearing upon the present plight of the people of England, or the people of France, or Canada, any more than the good people of Germany, or other nations of the world, can properly be held responsible for the mad aims and doings of a leadership

which has shackled them. I insist that we have a moral responsibility to people defending their homes and the lives of their children, because we willingly sold munitions of war to those who have become aggressors, while the present defenders suffered humiliation and sacrifice in an effort to preserve peace and to avoid war.

I point out that under existing law we may sell 10,000 bombing planes to Communistic Russia, but we are compelled to deny to friendly and neighborly Canada the right to purchase a revolver. Mr. President, if I may use the words of a distinguished Senator who has spoken heretofore, "It just doesn't make sense." I am firmly convinced that we should now place at the disposal of these defending people, who have been trying to travel the path of peace, weapons of defense which are still available to their adversaries—not directly available, Mr. President, but indirectly available.

On that simple contention I rest my case and explain my vote.

With respect to the parts of the joint resolution outside of the arms-embargo provision, there is no need for me to take up the time of the Senate to dwell upon its safeguarding features. They are pretty freely admitted by the opponents of the measure. I go on with my remarks only for the reason heretofore given—that I hope to contribute to the comfort and calm of men and women everywhere, and of the boys at school, who, because they love life and want to live it through in a normal way, suffer the fright that is ever present when war clouds gather.

Mr. President, I have lived my life the hard way. I have the firm feeling that the bond of love may be a little more closely knit in the oil-lamp-lighted home, and that the capacity for worry is greater there. My feeling that this is true is based upon the certain knowledge that persons in less fortunate economic circumstances live closer to one another, and that their daily contact makes the threat of the absence of their loved ones more painful to anticipate. I do not mean that love is less strong in the homes of more fortunate persons, but I am confident that the capacity for fear is not so great, and that under stress the emotion is not so strong. Through the Senate I want to address myself to those persons, with the fervent hope that they will find some comfort in my statement.

Mr. President, there is occasion for fear on the part of Americans. There is a reason for a remote fear that we may one day become involved in the war. But the danger is not in the joint resolution, Mr. President. You know, as I do, that the Congress will never take the American people to war, and that the President of the United States cannot take them to war. Perhaps sometime in the future, as was the case in the past, for some reason yet unseen, the American people will decide to take Congress and the President and themselves to war. Personally, I doubt it.

I doubt it, first, because I do not think the war will be of long duration; and next, because I believe we will mind our own business and strengthen our armaments; and that, wild as they may be, the warmakers and the mad warriors of other places will let us alone. We should, however, know that while we can insulate ourselves insofar as mortal combat is concerned, there is another danger. We are certain to feel the economic effects of even a short war in Europe. Our business is bound eventually to suffer.

During the war there is certain to be an artificial stimulation which will give work to American men and acceleration to American business. So let us remember, Mr. President, that America must pursue its way of life when the war business is no more—and may God speed the day! At that point, if the war trade has been heavy, there is danger of a collapse. War profits would then be as worthless as the sands of the Sahara, and then would we suffer the effects of other men's madness and misfortune. We may not be able to avoid such a consequence, although the senior Senator from Wisconsin [Mr. LA FOLLETTE] has given us a plan for consideration. It will not be munitions sales that will build a war business, but rather the sale of the other produce and products of our country. We cannot escape those sales; but let none for a moment suppose that there is no great danger to our national economy.

I say again, however, that that danger is in no way connected with the joint resolution.

It has been pointed out in the debate by one distinguished Senator after another that if we should enter the war we would suffer regimentation and probably repudiation, as well as deflation. Let no one mistake the possible accuracy of those statements. If we should enter the war, we probably could not escape the dangers referred to; but if our Congress and our country will return to a reasonable calm and maintain American courage, there will be no regimentation, because we will not go to war.

The entire Senate is a peace bloc, and will not vote for war except in defense of the United States.

Let the American people keep in mind that some Members of Congress are not beyond the age of participation in war, and let them remember that ever so many Members of Congress have boys of wartime age.

For these reasons alone, and because every man of decency sees other peoples' children through the beautiful picture of his own children, he is not knowingly going to do a thing that would hurt a single American home. It will be ever so much better if everyone will view our problems realistically rather than by way of the stars and the promotion of fear.

I am now about to include in my statement something that may be a bit unusual. I do not intend to commit any Senator by this statement, and I do not know for a certainty who among us will support the pending joint resolution. I have no greater authority for my assumption than information which has come to me by way of the newspapers. The newspapers have given a list of the names of Senators said to be in sympathy with the measure offered by the committee. I have not asked a single Senator how he intended to vote, nor has any Senator asked me how I intend to vote; so if I seem to misplace someone I trust that I may be excused.

Senators favoring this measure, or at least some of them, have been described as interventionists. I do not think that the word was used in a derogatory manner, but when men are called interventionists, and in the same speech the belief is expressed that the enactment of this joint resolution would be the first step toward war, I want to give the people of the country a chance to know more about the interventionists.

I desire that the people know just how much of a personal interest the so-called interventionists would have in a war.

For the comfort of the fathers and mothers of young men of wartime age, let me give them a word picture of the effect that war would have upon Members of the United States Senate. My statement may not be entirely accurate, although I think it is. It should not only prove of tremendous interest to the people of the United States, but I think that it will give them some degree of consolation as they worry about the future of their own children.

Mr. President, the senior Senator from Colorado [Mr. ADAMS] has two sons of military age.

The senior Senator from Florida [Mr. ANDREWS] has one son who has already taken the oath of the Army.

The senior Senator from Vermont [Mr. AUSTIN] has two sons of military age, both of whom are at the present time Reserve officers.

The senior Senator from North Carolina [Mr. BAILEY] has two sons of military age.

The senior Senator from Alabama [Mr. BANKHEAD] has one son of war-service age.

The junior Senator from Mississippi [Mr. BILBO] has a son who is a first lieutenant in the Army.

The junior Senator from Virginia [Mr. BYRD] has sons of war-service age.

The senior Senator from Arkansas [Mrs. CARAWAY], the only mother in the Senate, has two sons who are now in the Army and would be subject to immediate war service.

The junior Senator from Kentucky [Mr. CHANDLER] is a Reserve captain in the Army of the United States.

The junior Senator from Texas [Mr. CONNALLY], who, like many other of his colleagues, was an officer in the World War, has a son of military age.

The majority leader [Mr. BARKLEY] has a son of military age who is at the present time a Reserve officer in the Flying Corps, and subject to call.

The junior Senator from Louisiana [Mr. ELLENDER] has a son of military age.

The senior Senator from Georgia [Mr. GEORGE] has one son who is a naval aviator and another son of military age.

The junior Senator from Vermont [Mr. GIBSON] is himself a member of the Army Reserve and has two sons who are Reserve officers.

The senior Senator from Virginia [Mr. GLASS] has two sons of military age.

The junior Senator from Rhode Island [Mr. GREEN] has five nephews subject to call if war should come.

The junior Senator from Pennsylvania [Mr. GUFFEY] has four nephews subject to Army call.

The junior Senator from South Dakota [Mr. GURNEY], while he has no sons of immediate wartime age, has two boys whose ages put them immediately in the shadow of war should war come.

The senior Senator from Mississippi [Mr. HARRISON] has a son of military age.

The senior Senator from New Mexico [Mr. HATCH] has a son subject to call.

The junior Senator from Iowa [Mr. HERRING] has one son who is a lieutenant in the Reserve and subject to immediate call, and three sons of military age.

The junior Senator from Delaware [Mr. HUGHES] has a son of military age.

The senior Senator from Utah [Mr. KING] has sons of military age and had a son who was an aviator in the World War.

The junior Senator from Colorado [Mr. JOHNSON] is not blessed with sons, but his daughter's husband is a Reserve officer and would be among the first to go if we were so unfortunate as to be engaged in war.

The junior Senator from Oklahoma [Mr. LEE] has a son approaching the age at which he would be called to military service.

The senior Senator from Illinois [Mr. LUCAS] is now a colonel in the Illinois National Guard and served in the last war.

The junior Senator from New York [Mr. MEAD] has a son of military age.

The junior Senator from Indiana [Mr. MINTON] has a son of military age, two approaching the age of military service, and is himself a member of the Army Reserve Corps.

There are comparatively few people in the country who, in the event of war, would be threatened with a greater sacrifice than would the junior Senator from Montana [Mr. MURRAY]. He has five sons of military age.

The senior Senator from West Virginia [Mr. NEELY] has two sons of military age.

The junior Senator from Maryland [Mr. RADCLIFFE] has a son of military age.

The junior Senator from Wyoming [Mr. SCHWARTZ] has three sons of military age.

The junior Senator from Illinois [Mr. SLATTERY] has one son who is a lieutenant in the Illinois National Guard and four sons of military age.

The senior Senator from New Jersey [Mr. SMATHERS] has two sons in military school who will be of military-service age next year.

The senior Senator from South Carolina [Mr. SMITH] has two sons of military age.

The junior Senator from Tennessee [Mr. STEWART] has two sons of military age.

The junior Senator from Utah [Mr. THOMAS] is himself subject to call to military service, and the husbands of two of his daughters are subject to a call to service in the event of war.

The senior Senator from Oklahoma [Mr. THOMAS] has sons of military age.

The junior Senator from Missouri [Mr. TRUMAN] has four nephews subject to call in the event of war, and is himself a Reserve officer in the field artillery.



The senior Senator from Indiana [Mr. VAN NUYS] has a son of military age.

The senior Senator from New York [Mr. WAGNER] has a son of military age.

This does not cover all of those whom the newspapers have stated will vote for the repeal of the arms embargo; but, Mr. President, it is a sufficient list to let the people of the country know that the majority of the Senators of the United States Senate do not feel that the passage of this bill would be the first step toward war.

Sacrifices here would be just as great as in other places, and the homes of the Senators, in the event of war, would be as saddened as the homes of other men.

Mr. President, I, too, am among the Members of Congress with small children, and I have a son who was born in the early afterglow of the World War. At no time during these difficult days have I for a moment been unmindful of the sacrifice his mother would be called upon to make, or his own sacrifice, were the worst to come. Let no one suppose that Members of Congress are different than other people, nor that to them anything else, even life itself, is so sweet as the happiness and preservation of their children.

As I expose my feelings and tell the Senate that, as I see it, this joint resolution is the way of honest neutrality, I do not intend to be critical of the views of those men who want to help the defending nations. I am not trying to avoid the animosity of anyone by way of this speech. I fully understand that in a heterogeneous country such as ours there are some few with a natural fatherland sympathy that they cannot abandon. National sympathies, like religious sympathies, are bound to play a part in the lives of men, especially during periods of stress, and there will be those who conscientiously believe that the leaders in this war have justification for their aggression. They will point to the flaws in the Treaty of Versailles, and they will remember the beauties of their homeland, and many of them may convince themselves that the leaders of their former country cannot be wrong. A national allegiance which is in the blood will not be easily absorbed, so, lest it be thought that I seek the absolution of these people for the step I take, let me make it clear that I am hateful of that leadership which denies men the comfort of their religion, and the consolation of the communion with God that came to them at their mother's knee.

The successful march of the pagan doctrine of certain world leaders would soon destroy our civilization, because without religion God is not closely at hand, and the loss of religion means the ultimate destruction of the dignity of His image and likeness. Without God and a confidence in the everlasting beauties of eternity life becomes meaningless, and when men become subservient to a state to the neglect of the adoration of God and the neglect of His teachings, the end is at hand.

None will deny that the successes of the marching armies might easily result in a devastating spread of the pagan teachings destructive of the devotion to God, which has endured for centuries.

Ireland has been mentioned in this debate. What of Ireland, where religion is so precious that it is made paramount in that country's constitution, and where uncounted thousands have died for their faith and their liberty? Will one say that the Baltic and Balkan states and the other small countries of the Old World could escape the dominating influence of the mighty ones?

So let my position be clearly understood. I want the Allied armies to resist defeat. I do not want any countries destroyed, nor the homes of the German people emptied of their youth.

I do not clamor for a bloody victory for the armies of England and France, but I hope they will be saved from defeat, because their leaders profess and practice a way of life more clearly in keeping with the divine teachings, and because in those countries freedom of thought and worship and expression still prevail.

Mr. President, the original so-called Neutrality Act was drafted because we were fearful of war. It was not carefully drafted, because war was not then at hand. Some of us

now insist that it was a grievous mistake, and that, in effect, it is not a neutrality proposal. Let us not be ashamed to admit the mistake we made nor to right the wrong that came as a result of our mistake.

Mr. President, there are at the present moment Members of the Senate convinced that we need a great program of rearmament who just a little while ago scorned the suggestion, and said it was wasteful to build battleships or buy planes. Now they would change. Is that "changing the rules during the game," or after war is started? Not at all. It is changing our policy, at least for them, and not a soul would criticize their new viewpoint.

Mr. President, I am not for a moment fearful of offending anyone in Europe. I dislike to offend people of other countries, and so long as I could I remained still, but when the issue is presented I know that the way toward peace is not the cowardly way. Let me point out that all of the people of Europe, and more especially the leaders of government there, had a notice of the aims of our national leadership before they marched. They knew, just as every Member of Congress knew, that this so-called neutrality proposal was only temporarily set aside when we left for a recess early in August. They must have known that we would be back, because they must have known that our legislation had weakened certain nations, and that there was a determination on the part of some Americans that we would not knowingly continue to condemn people to a weakened defense because of our earlier misguided noble intentions.

I think my heart bleeds a little for the fears of American mothers, and more particularly for those mothers whose boys were born during the last war, or during the immediate dark shadows cast by that war. I can understand the feeling of their plea that "you must keep us out of war." God knows that every Member of this Congress is just as firmly imbued with that desire and intention as they are, and that we are being guided by the light He has given us in this hour of vicissitude. I do not believe our boys will participate in this war, or that they will ever engage in any war across the seas, except by direction of the vote of the American people. On that I shall say "no."

I want to emphasize the fact that in all of our history we have never been guilty of shady diplomacy, and that with God's help we will not now resort to it. For that reason, let us make it clear that we do not want the defeat of the Allies; but also let us make it clear that because we, as a nation, have lived the right way, we do not feel that there is a single compelling reason for adding our boys to the sacrifice that the Allies might be called upon to make. We owe nothing to the nations of Europe. We owe something to humanity, and we want to see religion preserved, and we want to keep faith with the teachings of 2,000 years, but we at the moment; and I hope in all of the after moments, have a deep and fixed feeling that we have earned the right to peace in the United States. Excepting in defense of our homes and our national honor, we will preserve it.

I know little of international law, and that does not matter much at the moment, because my principal interest in law right now is a matter of home protection. It takes a strong national courage to take a firm position on any matter concerning war; but I believe that the position directed by this proposed legislation, in spite of the attack made upon it by people of good intentions, is not only the way of righteousness, but the way of peace and protection.

President Roosevelt has insisted that he is hateful of war, and will avoid this one; and the man is low of character or intellect who really believes that any President of this great Nation would take his countrymen to war for political gain. I believe the President. I am as certain as I can be that his desire for peace is not less than that of any one of our people. I believe it is stronger than that of most men, because the President has known a greater suffering than most men, and he has proven his devotion to the cause of the suffering.

Mr. President, the United States is still a land of rich opportunity. We are blessed with great wealth, and are endowed with noble traditions and institutions. Most precious of our possessions is liberty; and I want to lay emphasis upon

the fact that if we falter in our own faith we endanger liberty. If we see a moral obligation and fail to face it, be certain that it will torment us in the days ahead. There are those who say that we should remain entirely aloof, so that when we are finally permitted to look upon the dying ashes of the fires now raging in Europe we shall be in a better position to help toward a proper settlement and lasting peace. I want to remain aloof. I share their view; but I insist, Mr. President, that if we do not maintain our splendid background of courage and decency, or if we back up too far in the face of a fear that we offend some one, we may be lacking in the necessary strength when the peaceful day does come. I refuse to look at this situation through dark glasses. I prefer to see it in the light of my conscience, with a begging plea that you believe me when I tell you that I hate and fear war as much as any man can.

I am old enough to remember the saddened hours of 1917, and I know that we cannot completely erase sadness and fear so long as there is mortal conflict in Europe; but I say to you, and I just as strongly beg you to believe, Mr. President, that America cannot fail to do right because of a fear of an audacious leadership elsewhere. Our leadership is here.

Europe's need is for spiritual rearmament. Though those there may not like what we do, we can set them an example by doing what they know is right, even though they temporarily hate us for it. If we made a grievous error—and I think we did—it should be corrected even after what some men call a "game" has started. We are not making new rules. We are not associated with this controversy because we want to be. If certain powers may hate us because we pass this measure, is there not a greater reason for other powers to hate us if we fail to do it? Have we any right to believe that by evading a responsibility we should contribute to the cause of peace?

As I conclude my statement, I want to try to leave the thought with those who do me the honor to listen that while I have little fear of war for us, regardless of how Congress finally acts, there is much at stake. We cannot be entirely certain that we are right. Only God knows that. There are no omniscient men among us; and something may happen, even tomorrow, that will make us wish we had longer delayed. We are compelled to act in the light of this day's sun and to meet the situation as it arises. It seems to me that our duty now is to unshackle the greatest power in the world.

I find comfort in the certain feeling that the overwhelming majority of the American people are in sympathy with this proposal, and supporting their national leadership, and want us to do what our Foreign Relations Committee recommends. I find comfort in reports that the overwhelming majority of our newspapers, our Governors, and our writers and teachers are supporting this proposal.

I ask unanimous consent that I may insert in the RECORD at this point a copy of a Gallup poll published last Sunday which seems to bear out my statement.

The PRESIDING OFFICER (Mr. CLARK of Idaho in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

REPEAL OF EMBARGO FAVORED IN SURVEY—GERMAN-ORIGIN CITIZENS ALONE OPPOSE ARMS PLAN

A majority of American voters of all national origins save those of German origin are in favor of repealing the arms embargo, according to an analysis of the voting in a survey by the American Institute of Public Opinion, of which Dr. George Gallup is director. The survey continues:

"Interesting enough, however, nearly half (45 percent) of those with opinions who identified themselves as first- or second-generation German-Americans said they would like to see the Neutrality Act changed. This would permit England, France, and other possible belligerents with control of the seas to purchase war supplies in the United States, while Germany, presumably, would not be able to do so.

"In its continuous studies of public opinion on the question now before Congress, the institute has asked persons in every State: 'In what country was your father born?' This has permitted a correlation with the replies to the neutrality question itself: 'Do you think Congress should change the neutrality law so that England, France, or any other nation can buy war supplies here?'

"Citizens of British, Canadian, and Russian origin are most in favor of changing the Neutrality Act's ban on arms, the survey shows. The Russian-American group undoubtedly includes many

persons whose religious sympathies incline them to oppose the Nazi regime.

The results, when correlated, are as follows:

	For repealing arms embargo	For keeping arms embargo
Father born in—	Percent	Percent
United States.....	60	40
Great Britain.....	68	32
Russia.....	67	33
Ireland.....	60	40
Canada.....	60	40
Italy.....	55	45
Germany.....	45	55
All others.....	58	42
National average.....	60	40

"Another interesting vote is the Italian. Although Mussolini's Italian state has been closely bound to Germany by the Rome-Berlin axis, the survey indicates that a majority of Italo-Americans would like to see the Allies receive the war supplies they need in their war with the German Reich.

"Irish-Americans represented a source of anti-British sentiment in the last World War, but apparently they are much closer to Canadian-Americans in their attitudes today than they are to German-Americans.

"The survey adds considerable new evidence to what is known about the various nationality groups in the United States at this time. In a previous institute survey reported last week, little difference was found among all such groups on the question of sending American troops abroad to join the Allies."

Mr. President, peace will come to Europe again. Peace will come, because the peoples of the Old World will insist upon peace. We shall help them to insist upon it if we now admit our mistake and correct a wrong.

Some of them may hope that we will join the war on their side, but down in their hearts they will not expect that we will do more than be fair with them and be honest with ourselves. Our duty is to write a law to fit our own needs of protection and to preserve our high code of honor as a nation, as we pray for world peace. Let me say that weakness does not bring peace, whether it be weakness in arms and ships or in morality. Let the American people know that the measure we debate does not bring us one step toward war, that in a large measure it insulates our country against war, and that at the same time it restores our high standards of fairness and real neutrality. Let the nations of Europe understand that we are not taking sides. Let them understand as well that we are without fear, and that if, as a result of this measure, they should intensify a campaign of discord in our country, which in some instances has long been under way, we shall punish those responsible.

I have tried, Mr. President, in simple language, to set forth my innermost feelings. I want to say again and again that I hope that the Christian beliefs and practices of Europe will be saved, and that the courageous Polish people and the Czechoslovakian nation, and the other stricken countries, will again live under their own flags.

Mr. President, as I vote "yea" on this proposal, it will be on the basis of what I feel is our moral obligation; the way I think best for my country. I want to unshackle the United States. I want to prove to the rest of the world that we are not lacking in moral values, and that while we have a strong national, naval, and military defense, we will likewise keep our spiritual armament strong and untarnished. This is a measure to maintain America's integrity and to keep us at peace.

I pray that the German people may be saved, because their destruction will not bring back the brave soldiers and civilians of Poland. Those people are now in God's care. The living He intrusts to our care, by way of His having endowed men with an everlasting free will. He taught us not to hate men. He taught us to do right, and showed us the way of peace. As He is my judge, Mr. President, I solemnly and firmly believe that in voting for this joint resolution we do right, and that in voting for it we take what seems to me to be the shortest path to peace. [Manifestations of applause in the galleries.]

Mr. DANAHER obtained the floor.

Mr. AUSTIN. I suggest the absence of a quorum.



The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Colo.	Reed
Andrews	Davis	King	Reynolds
Austin	Donahay	La Follette	Russell
Bailey	Downey	Lee	Schwartz
Bankhead	Ellender	Lodge	Schwellenbach
Barbour	Frazier	Lucas	Sheppard
Barkley	George	Lundeen	Shipstead
Bilbo	Gibson	McCarran	Slattery
Borah	Gillette	McKellar	Smathers
Bridges	Green	McNary	Stewart
Brown	Guffey	Maloney	Taft
Bulow	Gurney	Miller	Thomas, Okla.
Burke	Hale	Minton	Thomas, Utah
Byrd	Harrison	Murray	Townsend
Byrnes	Hatch	Neely	Truman
Capper	Hayden	Norris	Vandenberg
Caraway	Herrington	Nye	Van Nuys
Chandler	Hill	O'Mahoney	Wagner
Chavez	Holman	Overton	Walsh
Clark, Idaho	Holt	Pepper	Wheeler
Clark, Mo.	Hughes	Pittman	Wiley
Connally	Johnson, Calif.	Radcliffe	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. DANAHER. Mr. President, there can be little doubt in the minds of those of us who have listened to the stirring address just delivered by my colleague, the senior Senator from Connecticut [Mr. MALONEY], that it was one of the most eloquent and moving of the contributions to this debate. There can be no question in the minds of any of us of his complete good faith and his deep sincerity in the position which he has announced. I have not the capacity to urge upon the Senate the position which I take with such a wealth of oratory, with the bouquets of speech we have heard from the lips of my colleague. I am proud of him; I believe that all of us well might be.

I am just practical enough, however, in my approach to the question before us, to urge an answer to such a step as was pointed out by my colleague, and by others who have spoken in favor of repeal of the embargo on arms, who point out that under the present law arms and munitions and implements of war might be sent to Italy or to Russia, perchance, and therefore say, why should we have a law which will permit that?

Mr. President, I am just practical enough, if I may again use the term, to say, we do not have to permit that. All we have to do is to amend our existing law and forbid the exportation of munitions and implements of war to those neutrals. That is all there is to it. That is all that is involved in the matter.

Two weeks ago we heard the distinguished chairman of the Committee on Foreign Relations tell the Senate that the pending joint resolution must be passed without amendment. That suggested to those of us who would recall the days of the so-called spending-lending bill in July how, first, the country had been treated to a discourse that we were to have a self-liquidating projects bill before us, that we were to have something which was not to cost the people any money. But after the debate had proceeded for a few days, all pretext about self-liquidating projects was abandoned, and the bill came out in a new form, being known as the works refinancing measure.

Senators will remember the steps taken thereafter. They will recall how we undertook to dissect the bill to see what its effect would be. First, out came the section dealing with highways. Next, out came the section which would have to do with railroad-equipment trusts and refunding ventures. Before the consideration of the bill was concluded it looked like the sieve it was intended to be in the first place, and it went, properly, to its complete and ultimate defeat.

We have been told that the pending joint resolution contained a cash-and-carry plan. We were told, and the public heard for weeks, that the road to security lay in repealing the embargo on arms and the adoption of a cash-and-carry plan. Yet on the 11th of October the distinguished junior Senator from Nebraska [Mr. BURKE] announced his intention of voting for the joint resolution, and he said that, speaking for himself, he wanted to vote for the joint resolution because he

wanted to assist Great Britain and France. But in his conclusion he said he wanted to vote for the joint resolution because it contained a cash-and-carry provision. I asked him if he would yield, and asked him if he would point out wherein in the joint resolution there was the requirement that even 5 cents of cash were to be paid.

There is no cash-and-carry plan in the measure now, and there was not then. The distinguished junior Senator from Nebraska was not able to put his finger upon any such provision, and he said:

Without having the joint resolution before me, I cannot refer to the exact provisions; but I will direct the Senator's attention to them. He has read them word for word. Does not the joint resolution provide for the passage of title to goods in this country sold to belligerents?

Mr. DANAHER. It does.

Mr. BURKE. What does that involve?

Mr. DANAHER. I want to know if the Senator was basing his remarks with respect to cash and carry on section 2 (c), which appears on page 16, which is the provision which has to do with the passage of title.

Mr. BURKE. That is certainly one of the provisions. If the Senator will tell me what he has in mind, I am sure the Senator from Nevada [Mr. PITTMAN] can answer the question.

So the junior Senator from Nebraska referred the question to the senior Senator from Nevada [Mr. PITTMAN], and I answered:

I shall be very happy if I may have the answer from the Senator from Nevada.

The Senator from Nevada took the floor, whereupon the Senator from Nebraska said he would yield the floor.

When the Senator from Nevada was hard pressed to point out wherein there were any cash-and-carry provisions in the measure in view of the fact that our presence on the floor had depended entirely on that which had been yielded by the Senator from Nebraska, the alert junior Senator from Texas [Mr. CONNALLY], raised a point of order, and took us both off the floor. I requested that the RECORD show that my question was not answered, and at page 293 the RECORD discloses that I said:

May I have it noted in the RECORD that the question propounded by me has not been answered?

Oh, we got the answer, Mr. President. We got it yesterday. The senior Senator from Nevada, who 2 weeks ago had a measure which would not require amendment, came in yesterday with an amendment. He took out the specious, spurious representation of a cash-and-carry plan which was involved in section 7 (a). His amendment is on Senators' desks today. That is the first of the amendments. It has to do with the first of the items which must be corrected. The public, which has been told all over the country for weeks that there was a cash-and-carry provision in this measure, and that it was to be found in section 7 (a), finds the chairman of the Foreign Relations Committee himself admittedly amending the measure on his own motion to take out the very section which up to now he has purported to favor.

Mr. President, there has been no adequate revision of section 7 (b) of the measure; but we will come back to that in due course, I can assure you.

As I stated earlier, I am just practical enough in my approach to this question to point out that there is serious agitation upon the part of some Senators to amend the measure to permit American shipping to ply the seas. The present law does not inhibit American shipping in the particulars which are sought by the amendments which are to be offered or have been offered by the Senator from North Carolina [Mr. BAILEY]. There is not any limitation under our present law which would restrict the Senator from North Carolina, and all others interested, in achieving the objective sought by his proposed amendment, or prevent them from getting those very results under the law as it is now on our books.

Mr. President, the point is this. Our present law forbids American vessels to carry arms to belligerents. That is true. That is the way we want it to be. The present law, on the other hand, does not forbid our taking goods to South Africa

or to Australia. It is the pending measure which would do that. It is the spurious idea of protection which has been held out to the American public, as being involved in this measure which does that.

Mr. President, do the people of the United States know that a soap manufacturer in Cleveland, Ohio, cannot send his own soap to another factory he owns in Canada? Do they realize that under the pending measure an American granary cannot send its own grain to its own warehouse in Canada? Under the law which is on the books it can.

All those things were deliberated upon in considered, calm judgment, over a period of years, while this legislation grew and took form. All these items were canvassed, and when the neutrality measures were passed, both in 1935 and in 1937, all these things were taken care of, and they are in our law today for the full and complete protection of the American public.

It seems to me that perhaps I might open up a new subject for the consideration of the Senate. I suppose that Senators, and indeed the public, at least would like to know what protection our present law gives them. I suppose there are those who would like to know just exactly what they are asked to repeal.

Mr. President, in considering House Joint Resolution 306, we should recall that the first and immediate effect if it shall pass will be to repeal the act of August 31, 1935, as amended, the act of May 1, 1937, and the act of January 8, 1937. Before we even contemplate taking off the old and putting on the new, the very least we should do is to ascertain what is provided in the legislation now upon our statute books. This legislation was not hastily enacted but was the outgrowth of many years of considered judgment. It was designed to insure the peace and safety of the United States and of her citizens in the event of a war between other nations. In those particulars in which trial and experience suggested that reasonable legislative safeguards should be corrected for our greater security, amendments were adopted in 1936 and again in 1937. Yet by the pending measure the whole group of statutes constituting the bulk of our law on the subject would be repealed.

The original act was entitled:

Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war.

That was the title of the act we adopted in 1935. Nor was the title varied when Public Resolution No. 27 was adopted in 1937. There was at no time a claim that the passage of such legislation constituted an assertion of neutrality, nor was the expected or intended purpose of the legislation such as to promote neutrality. Quite the contrary, the legislation upon our books very definitely constituted a statement of policy, a policy which among other points was intended to prohibit the export of munitions to belligerent countries. That was what the Congress decided, that was what the people of the United States wanted, and that is what the President of the United States approved.

When the amendment in the nature of a substitute was filed in the Seventy-sixth Congress, it is interesting to perceive that the proposed resolution, in essence the same as is now before us, was entitled "The Peace Act of 1939." Nobody then called it a Neutrality Act. When this legislation now upon our books was adopted the plain purpose was to make unlawful the export of arms, ammunition, or implements of war to any belligerent state named in the President's proclamation or "to any neutral state for transshipment of, or for the use of any such belligerent state." Also, the law expressly provided that the President of the United States, who, under our Constitution, is charged with the responsibility of administering our foreign affairs, should alike be given the power, and he was given the power, to find

"that there exists a state of war between, or among, two or more foreign states." His was the responsibility, his is the responsibility under that statute today.

There was no attempt then to divide the responsibility between the President and the Congress so that either might refuse to act, as is possible under House Joint Resolution 306, pending before us.

In like manner the President was granted similar power with respect to the existence of a state of civil strife in a foreign state; and if such civil strife be found by him to be of such magnitude or that it "is being conducted under such conditions" that the export of munitions would threaten or endanger the peace of the United States, upon proclamation by the President accordingly, the exportation of munitions is barred. There is no such provision in the resolution pending before us. There is no provision whatever with reference to a state of war or civil strife existing in a nation under such circumstances that conditions might lead to our involvement. They have taken that out of the pending measure. They have relaxed that part which we found so essential with reference to the Spanish situation that a resolution was adopted by the Senate January 8, 1937, to forbid the exportation of planes. At that time the chairman of the Committee on Foreign Relations told us that our very peace was being jeopardized by the state of civil strife over there, and, of course, we had to have an embargo, and, of course, it was voted. But now it is out of the measure. Why?

The law upon our books provided for the forfeiture of munitions seized for violation of the law and referred the proceedings back to those sections set forth in the act of June 15, 1917, which have ever prevailed, and under which the rights of all parties could and would be protected.

Above all, the pending law authorizes the President in so many words "from time to time by proclamation" to "definitely enumerate the arms, ammunition, and implements of war the export of which is prohibited." In any future proclamation he may include articles or materials of the same general character as were listed in his proclamation of April 10, 1936, and, pursuant to the statute, on May 4, 1937, the President issued Proclamation No. 2237.

Mr. President, whatever was in that proclamation he put there. Whatever was omitted from that proclamation he omitted. If there were goods of like character not named in that proclamation within the category defined by him, their omission was due to the fact that he left them out, for the proclamation was solely his.

What did he do in that proclamation? He created seven categories which were classified as arms, ammunition, and implements of war.

The first category was subdivided into six sections. The first included rifles and carbines and barrels for those weapons; the second, machine guns, automatic rifles, and pistols, and barrels for those weapons; the third, guns, howitzers, and mortars, their mountings and barrels; the fourth, ammunition in excess of .22 caliber for the arms, cartridge cases or bullets, and also included filled and unfilled projectiles. The fifth included grenades, bombs, torpedoes, mines, and depth charges, filled or unfilled, and apparatus for their use and discharge; the sixth subdivision included tanks, military armored vehicles, and armored trains.

In category II the President included vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

In category III he listed aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, if designed, adapted, and intended for aerial combat by the use of machine guns or of artillery, or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances known as aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo-release mechanisms.

In category IV he included revolvers and automatic pistols and ammunition therefor, for sizes in excess of .22 caliber.



In category V he listed aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, other than those included in category III. He also included propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units, as well as aircraft engines, unassembled, assembled, or dismantled.

In category VI he listed Livens projectors and flame throwers, mustard gas, and all sorts of poison gases susceptible for use in wartime.

In category VII he listed propellant powders and all sorts of high explosives.

All this would be done away with under the pending measure. All of the protection which the American people now have under our present law would be repealed. Is it the understanding of the Senate that the cause of democracy will be furthered by the exportation from the United States to certain overseas nations of Livens projectors and flame throwers? Is it the thought of some of the Senators that we should export flame throwers? Do the American people feel that we will help Great Britain and France if we send those countries mustard gas with which to poison and torture the youth of some other nation? Is it not thoughtful on our part to undertake to intervene in a war overseas to save civilization that those who come within its range may know the ravages of phosgene gas? Of course they want bombs over there. Of course they want torpedoes and submarines.

Of course, they want aircraft, to quote the language of the President's proclamation, "for the carrying and dropping of bombs." All those nations will have to do is pay us their money and we will ever take pride in the fact that we saved democracies by shipping flame throwers and poison gas. "Oh, yes; you nations with the navies and with ships to carry away our munitions, come over here, put your money on the line, and we will let you have bombs; we will let you have mustard gas; we will let you have tanks and submarines. We will help you by repealing the embargo on arms to poison those soldiers who march under the aegis of a philosophy that we do not like; and if poisoning is not enough, we will help you throw flames on them. We will act for you for cash in the name of humanity. And in case there may have been developed in our land some new forms of lethal instrumentality that the President did not think of when he issued his earlier proclamation, there need be no worry now, for we are being asked to repeal the embargo on arms, and you can get those, too."

The way our law now reads, it is unlawful for any person to purchase, sell, or exchange bonds, securities, or other obligations of the government of a belligerent state or of a state where civil strife exists. It is unlawful to make any loan or extend any credit to any such government, or to solicit or receive contributions for any such government. The way our law now reads, whatever exceptions are possible for ordinary commercial credits and short-time obligations cannot legally, and do not, operate in favor of munitions in any particular whatever, for they simply cannot be exported. The so-called credit provision of the law upon our books applies only to supplies not named in the President's proclamations.

The way the law now reads there is no prohibition upon the solicitation or collection of funds to be used for medical aid and assistance or for food and clothing to relieve human suffering. That is our law today; and as a safeguard, collections shall be subject to the approval of the President and be made only under such rules as he shall prescribe.

The renewal or adjustment of indebtedness cannot be made to apply in favor of arms and munitions as our law now reads; and the present law applied solely and entirely to such indebtedness as existed on September 3, 1939.

The Congress thought it had created a National Munitions Control Board; and so it had. The Congress thought there could be no exportation of arms except under license granted by the Board; and so it was. The Congress thought that all licenses to export munitions should cease when the embargo proclamation should be issued, and the Congress wrote that provision into the law, and it is our law today.

Then in 1935, after long study in an effort to ascertain the type of incident which experience and history had taught were among the causes of war, the Congress provided, and it is our law today, that no American vessel may lawfully carry arms, ammunition, or implements of war to any belligerent state or to any neutral state for transshipment to a belligerent.

In 1935 the Congress wrote into the law a provision that the President shall have the power, and it shall be his duty, to require a bond so that no vessel, whether domestic or foreign, shall depart from a port of the United States carrying fuel, men, munitions, or other supplies to any warship or supply ship of a belligerent state. As a matter of fact, it has long been our law that "whenever there is reasonable cause to believe that a vessel is about to carry fuel, arms, munitions, supplies, dispatches, or information to any warship of a foreign belligerent in violation" of our laws or treaties, the President may withhold clearance from any such vessel, and it shall thereupon be unlawful for such a vessel to depart, and its departure may be forbidden.

It already is our law that if once a vessel clears from a port of the United States and delivers its cargo to a warship or supply ship of a belligerent state, the departure of that vessel again during the duration of the war may be wholly prohibited.

There is nothing new about the provision dealing with submarines and armed merchant vessels. The pending measure, word for word, without the slightest change whatever, copies our existing law. Thus:

Whenever, during any war in which the United States is neutral—

And may we be and continue to remain neutral—

the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe.

It is already our law that once the President's proclamation of a state of war shall have issued it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of the belligerents named by the President, except under certain specific conditions. That is our law and has been since 1935. Why should we repeal our present law? Why should we reverse a policy of peace and nonintervention?

All of these things we have; all of these provisions are now our law. But in the pending measure we would repeal the embargo on arms contained in the joint resolution of August 31, 1935, as amended, and the joint resolution of January 8, 1937. We have heard all sorts of reasons given why the prohibition contained in the laws of 1935 and 1937 should be repealed.

Mr. President, let me point out a subject which the Committee on Foreign Relations and its members have studiously failed to explain to the Senate.

I perceive that the only member of the Foreign Relations Committee present in the Chamber at the moment is the junior Senator from Texas. I call the specific attention of the Senator from Texas to what I am about to say. I had hoped that the Committee on Foreign Relations would construe this provision of our statutes with me. I call attention specifically to the fact that the committee has wholly failed to explain the provision to which I am about to refer, and that there has never been reference by the committee, on this floor or otherwise, to that provision.

The committee wants the joint resolution passed. It wants to repeal the present arms embargo, which would apply to the current war in Europe, but it does not tell us even one word about an arms embargo not referred to in any way in the pending measure.

Mr. President, on January 31, 1922, the Congress of the United States passed the statute appearing in Forty-second Statutes at Large at page 361. The embargo provisions, particularly, will be found in title 22, section 236. Let me recall this section to the minds of the Senators by quoting:

Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

Mr. President, that statute is on our books today.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER (Mr. LUCAS in the chair). Does the Senator from Connecticut yield to the Senator from Texas?

Mr. DANAHER. I yield to the Senator from Texas.

Mr. CONNALLY. I do not desire that the Senator yield, but as the Senator from Texas was called out of the Chamber he thought he heard the Senator from Connecticut express a desire to obtain some information from the Senator from Texas. What is it the Senator from Connecticut wants to know?

Mr. DANAHER. I wanted to have it appear specifically that at the moment there was no member of the Committee on Foreign Relations present. I wanted to make the Record show that in due course I would come back to this subject when there were such members present. At that moment the Senator from Texas came in, and I was glad to see him; and, so far as I personally am concerned, an explanation from him would probably take the place of that of any of the other members of the committee. Therefore I directed my question to the attention of the Senator from Texas to point out to him specifically what this statute is.

Mr. CONNALLY. May I say to the Senator from Connecticut that the Senator from Utah [Mr. THOMAS] has been in the Chamber all the time, and the Senator from Texas was in the Chamber but was called out momentarily, when, hearing the voice of the Senator from Connecticut, he arrested his motion and remained in the Chamber. What is it the Senator from Connecticut wants to know?

Mr. DANAHER. I thank the Senator from Texas for his mellifluous reference, and I am certain that the Senator from Utah, had I perceived him, would have been able adequately and properly to answer the question just as could the Senator from Texas. Now that they are both here, I will address them both.

Mr. CONNALLY. If the Senator will do that and tell us what it is that he wants to know, I will try to answer him.

Mr. DANAHER. Mr. President, on our books today is the statute which I have read. For 17 years it has been a part of our fixed policy. I want to know if it is the thought of the sponsors of the pending joint resolution that we shall invoke an arms embargo anywhere in the American Hemisphere, north or south, whenever it suits our purposes to take part in domestic strife, and impose such an embargo on arms, north or south, as the case may be, but when there is a European war, which might involve our very livelihood and our very continued existence, we are asked to repeal that principle. That is the question.

Mr. CONNALLY. Let me say to the Senator from Connecticut that I have not examined the statute to which he refers. It is not in the pending joint resolution and has nothing on earth to do with the proposed legislation; but if he will lend me his text for a moment I will be glad to examine it. I understand it is a statute relating to the Western Hemisphere. Its purpose, of course, was to preserve peace and stability here on the Western Hemisphere by not stimulating and encouraging revolutions which might be financed, probably, in the United States or along the border by the purchase of arms and the importation of those arms into those countries. I have not read the text, but I gather from what the Senator was reading that that is the kind of a statute he is talking about. Is that correct?

Mr. DANAHER. Yes.

Mr. President, I should like to direct another question, then, to the Senator, and I will be glad to lend him my copy of the text. I ask, then, does the Senator feel that we can secure the peace and security of the United States in a given instance by enforcing an embargo on the shipment of arms and munitions to such an American state?

Mr. CONNALLY. Let me say to the Senator that the purpose of that act—I thought everybody in the United States knew it [laughter]—is to prevent gun running, to prevent filibustering, except by the minority that is now filibustering in the United States Senate [laughter]—to prevent filibustering expeditions from the United States into Latin-American countries and the fomentation of revolutions and disturbances. For instance, in the past some of the revolutions in Mexico, measurably, have been inspired and financed and munitioned on American soil. So the act referred to was passed, not in the interest of war but in the interest of peace and stability and friendship and neighborliness in the Western Hemisphere.

Mr. DANAHER. By imposing an embargo?

Mr. CONNALLY. If necessary; yes.

Mr. DANAHER. I thank the Senator.

Mr. CONNALLY. By invoking an embargo on the lawless elements that are seeking to stir up war by organizing on our territory filibustering and revolutionary groups who aid and abet revolutionists and procure in the United States arms and ammunition with which to make war on a friendly country. If that is not in the interest of peace, the Senator from Texas does not know what peace is.

I wish to say further to the Senator from Connecticut that he cannot draw any parallel between that kind of action and the present Embargo Act, which, when it passed, was intended to preserve peace and neutrality, but which, under the operation of circumstances as they have afterward developed, has not made the United States neutral as between the warring nations but has made the United States an ally of Hitler and Stalin. That is the kind of thing the Senate is now trying to get rid of, and which the Senator from Connecticut is opposing.

Mr. DANAHER. Oh, then the Senator takes the position that the real purpose of our being here is to get rid of Hitler? Is that it?

Mr. CONNALLY. Oh, no. The Senator, in all fairness, ought to yield to me to make a correction.

Mr. DANAHER. I am happy to yield to the Senator from Texas.

Mr. CONNALLY. That is not the purpose at all. The purpose is to be absolutely fair and impartial between the parties. We are not making war on Hitler, but we do not propose to be his ally and give him aid and comfort which are denied under the embargo act to England and France. That is the answer to the Senator from Connecticut.

Mr. DANAHER. I have since the commencement of this colloquy sent to the Senator from Texas the text of the act to which I referred.

Mr. CONNALLY. I am sending it back to the Senator. The Senator from Texas does not have to carry the texts around in his pocket and refer to them momentarily in order to know, in a general way, what a particular act is. I gladly restore to the Senator the main and most important section of his speech. [Laughter.]

Mr. DANAHER. May I call the attention of the Senator from Texas to that particular embargo provision applies alike to the extraterritorial jurisdiction of the United States. Take, for instance, China. Although hundreds of thousands of Chinese have been slaughtered, we have never invoked the embargo provision against Japan. Quite to the contrary, we have undertaken to continue to supply munitions to Japan at the same time we are making loans to China to help them both carry on that war. What kind of policy is that, I ask the Senator from Texas?

Mr. President, if all the arguments for the repeal of the arms embargo are on the high plane we have been hearing about, why do we wish to retain the power to issue an embargo against some American country? Why do we wish to



retain the power to embargo the exportation of arms and munitions to some American country or a country in which the United States exercises extraterritorial jurisdiction where conditions of domestic violence exist? Why do we think it should be unlawful to export arms under such circumstances, but wish to repeal a law which will make it unlawful to export the same kind of arms and the same munitions in the case of a European conflict?

The only answer is—and it is perfectly apparent from the answer submitted plainly and clearly by the Senator from Texas—that we want to do it in the American continent in the interest of peace and security and in the interest of the protection of the United States and the Western Hemisphere, but with reference to Europe we want to do it, according to him, so that we may get rid of Hitler.

Are we to retain the right to say which of our "good neighbors" will feel the heavy hand of our power and which will not? As might be expected, just as we have found the present law a protection in the Italian-Ethiopian War and otherwise, so, too, have we acted under the embargo clause applying to American countries. On January 7, 1924, we found that there prevailed in Mexico such conditions of domestic violence that the exportation of arms and munitions might promote that condition, so a President issued a proclamation under section 236. Again a President of the United States found such conditions of domestic violence in Brazil that he issued a proclamation on October 22, 1930, and the embargo on the exportation of arms and munitions was made effective.

We have all heard the chairman of the Foreign Relations Committee tell this Senate that the embargo created by our present law "is operating unneutrally" in Europe, and so he wants our present law repealed. But, Mr. President, you have not heard one word about repealing the embargo provisions of our statutes which would operate with reference to an American country, or a country in which the United States exercises extraterritorial jurisdiction. Oh, no; we must retain that provision, we must retain the power to embargo the exportation of arms, we must tell the Senate and the American people, according to the sponsors of the pending joint resolution, that the law now upon our statute books is contrary to American policy.

Mr. HATCH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Mexico?

Mr. DANAHER. I yield.

Mr. HATCH. I do not desire to interrupt the Senator, but I have been waiting to ask him a question for my own information. He said in his opening remarks that the chairman of the Foreign Relations Committee stated that the pending joint resolution must pass in its present form without amendment. I merely wondered what was the authority for that statement.

Mr. DANAHER. I believe that I used not the word "must" but the word "should." I would want it so to appear in any case. Now with reference to the authority for the statement, let me say to the Senator that when the Senator from Nevada was explaining the joint resolution to the Senate on the opening day that is what he told us.

Mr. HATCH. That is the reason I asked the Senator, because, when he made that statement, my curiosity was aroused, and I scanned hurriedly through the speech of the Senator from Nevada on the opening day, but I saw not a line or syllable which indicated any such thing, and I was wondering if I had overlooked something.

Mr. DANAHER. Mr. President, I will say to the Senator from New Mexico that I do not think so. If I said "must"—and I do not think I did, but if I did—I should not want it so to appear. I thank the Senator from New Mexico.

No, Mr. President; we got this thing just about right when we examined the report submitted by the Committee on Foreign Relations to accompany the joint resolution. You know, Mr. President, when we got that report, down at the end of it was the clue, there was the key, there was the touchstone by which we were to test the purpose of the joint reso-

lution, just as one gradually hears it coming out as we did a few minutes ago from the Senator from Texas.

The committee was of the opinion—

I am quoting from the committee report—

that the provisions in existing law providing for an embargo upon arms, ammunition, and implements of war should be repealed and not reenacted in any form. Therefore such provisions are not carried in the present proposed substitute.

The committee is of the opinion that the United States cannot maintain its neutrality so long as such embargo provisions remain upon our statute books. It is contrary to the accepted precepts of international law, which prescribe that any belligerent may purchase any article or materials in any neutral country.

On the floor of the Senate the distinguished chairman of the Foreign Relations Committee stated that he favors repeal "because the act is not operating neutrally in Europe today." It has become increasingly apparent to the Senate that repeal of the arms embargo is sought for the purpose of aiding certain belligerents in the war now prevailing between Great Britain and France on the one hand and Germany on the other. The purpose of the pending legislation is to enable the United States to sell arms, ammunition, and implements of war to Great Britain and France. The joint resolution contemplates that those belligerents which can establish credits or which can pay cash will be able to buy, while those which have neither credits nor cash cannot buy such arms, ammunition, and implements of war in this country. The joint resolution contemplates that arms will be carried away from this country in ships owned by the purchaser which have a reasonable prospect of reaching their foreign destination under the protection of the navy of the purchasing nation. It is a matter of common knowledge that Great Britain owns such ships and possesses such a navy, and that Germany does not. It necessarily follows that the real purpose of this joint resolution is not to attain neutrality for the United States, not to prevent us from intervening in the current European war, but to furnish arms, ammunition, and implements of war to Great Britain and France.

Necessarily, then, this joint resolution will constitute legislation by the United States of America not for our country but to make it possible that one group of the "belligerents may purchase" such arms as it may require in this country, and hence we are undertaking to legislate for the belligerents upon one side in this war.

A "neutral" is defined as one "not engaged on either side; not taking part with or assisting either of two or more contending parties; lending no active assistance to either or any belligerent." "Neutrality" is defined as the "quality or state of being neutral," and in international law it is defined as "the condition of a state or government which refrains from taking part directly or indirectly in a war between other powers."

It is idle to contend that the United States will be "neutral" if it undertakes to render assistance to one side in that war. It is specious and misrepresentative to call this resolution the "Neutrality Act of 1939" when the real purpose of its sponsors is to permit the United States to render active assistance to Great Britain and France. If that is not the purpose of this legislation, what is its purpose? What possible reason can there be for repealing the existing law, which prohibits the exportation of arms to any belligerent, if it not be to furnish arms to Great Britain and France? As the law reads now and has read since 1937, upon the outbreak of a war it is unlawful to furnish arms to any belligerent. The exportation of such arms is illegal and absolutely forbidden. So the sponsors of this joint resolution wish to be freed from the restraint and the prohibitions of that law, and hence they ask the Senate to repeal the existing law.

They do not come in here and submit to us a joint resolution which would frankly and honestly raise the question of whether or not this country will help Great Britain and France, and if so, upon what basis, and thus give us the opportunity to discuss, as a matter of policy, the proposition of how far, or for what reasons, we should take sides in the European war. They do not raise the question of whether or not the maintenance of Great Britain's imperialism, or the continuance of Great Britain's commercial structure, or even the succession of her form of government, should be made our

concern. What do we know of the aims and the policies of the 13 political parties in France? And if we did know, upon what possible consideration should the United States of America undertake to say that our people will furnish arms and credits to that nation for the maintenance of such policies?

Let us look first and briefly to our position from the standpoint of what repeal of the arms embargo would mean as a matter of international law. As a neutral, the United States was not bound to forbid exportation of arms and munitions to a belligerent. Many directly neutral states have, however, found it expedient and judicious to prevent their nationals from engaging in supplying destructive weapons to a belligerent. Our Nation took the position, and it is now our present law, operating with complete success in the European war, that we had a right to forbid such exportations upon the outbreak of a war. It may be worthy of note in passing that section 245a of title 22 prescribed that—

Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export \* \* \* arms \* \* \* from any place in the United States to any belligerent state named in such proclamation.

Pursuant to the plain mandate of the statute just cited, our President issued his proclamation. The joint resolution now pending before this body varies the existing law in marked degree. Because it removes from the President his obligation to issue any such proclamation, it divides the responsibility for acting between the President and the Congress, so that neither one is bound to act for the protection of the American people. Above all, there is added a very particular limitation, for the joint resolution provides that in addition to the finding that a state of war exists it must also be found—and I quote—

That it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States.

So that the question of who shall act, and upon what state of facts, is made nebulous and uncertain, and would be markedly confused. This great weakness in the pending joint resolution must be profoundly explored.

But at least, as the law now stands upon our books, the step demanded by the American people, written into the law by our Congress and approved by our President, has been duly and legally and properly taken. Unless the actual necessities of our status as a neutral shall demand we may not legally, without becoming unneutral, change our position after the war has broken out because of a desire to aid one or the other belligerent. If we should be actuated by motives simply to assist one side in this contest, we would stand as frankly and nakedly before the world as a breaker of treaties as any aggressor or any dictator who has received the condemnation of our people through their spokesman during the past 20 months.

It may be said that we have no treaty and no agreement that we will not furnish arms to a belligerent in a war; but our legislators and our Executive, acting pursuant to their sworn duties, passed and approved our present law, and served notice upon the nations of the world that when a war broke out not involving us we would not take sides. The American people advised all other peoples that we would not be purveyors to their destruction.

Dr. Edwin Borchard, of world-wide reputation, and professor of international law at Yale University, recently addressed the Council on Foreign Relations in Chicago, where he said:

The proposal to lift the arms embargo cannot be described as designed to insure the protection of American neutrality, for the obvious purpose is to help the Allies to obtain arms, ammunition, and the implements of war. If that is the motive—and the motive in these matters is all-important—then the lifting of the embargo is an act of war and intervention, and it should be debated as such. The assumption that a neutral can change his law so as to help one side beat the other and yet escape the consequences of war is hazardous.

The motive is all-important, says Dr. Borchard. Yes; reason and common sense tell us that the motive back of the

pending joint resolution is the touchstone by which we can test the conduct of the American Nation if we are to align our people upon one side in the war.

The sponsors of the joint resolution have contended that since all belligerents after repeal would in theory have whatever rights they had in 1914, let us say, the pending resolution will not be unneutral. But we are not blind to the plain fact of the matter, and neither our people nor the Congress can be ignorant of what the result would be. Recently Dr. Charles Cheney Hyde and Dr. Philip C. Jessup, professors of international law at Columbia University, said in the New York Times:

Relaxation of embargoes after the outbreak of war may in fact and in law amount to governmental participation in the conflict. This is obvious if or when the reason for removing a particular embargo is to aid the cause of one or more of the fighting states which will vastly profit from such action because of their command of the seas. In such a situation the neutral purveyor becomes the special support or prop of the favored belligerent, and the government as well as the people of the neutral becomes in reality a participant in the conflict. Such conduct is, under such circumstances, unneutral. \* \* \*

I am not unaware that other authorities have been cited with conflicting viewpoints, but before the present law was passed in 1935 and amended in 1937, the best-informed authorities at our State Department favorably testified at hearings publicly held upon the pending legislation. Whatever doubts might be urged as a result of the conflicting viewpoints of academicians, our State Department, our Congress, and our President long ago resolved those doubts in favor of the existing law. I am confidently persuaded that the views then expressed and crystallized into legislation were then and now are correct, and that the legislation should stand.

Let us next consider briefly the proposition pending before us from the standpoint of policy, of whether we wish morally to make and export munitions to be used for the destruction of people with whom we have no quarrel and who make no attack upon us. Let us also consider the proposition from the standpoint of the possibility of our being drawn into the war, of the need for our selling munitions to certain belligerents, from the standpoint, if you like, of the actual facts of the situation and from the standpoint of what becomes of our neutrality and of our Nation.

Mr. President, we are a nation whose domestic economy for many years has been unstable and threatened. We have domestic policies as well as foreign, even theories of government, upon which our own millions of people fail to agree. It is no doubt true that we do not approve of the tactics, the practices, and even the religion of head hunters in some distant land. It is probably true that we do not approve of the aims, the economy, and the philosophy of Germany; but even if we do not, is it possible to shoot an idea with a bullet? Can it be demonstrated that our ways of thought and our inclinations and ambitions are to be subverted by blasting of people with bombs, made by us, dropped from airplanes constructed and exported by Americans?

Now, Mr. President, let me say to Senators that if we could do so, we should not.

Mr. LODGE. Mr. President, I make the point of order that the Senate is not in order.

The PRESIDING OFFICER. The point of order made by the Senator from Massachusetts that the Senate is not in order is well taken. The Chair requests that the occupants of the galleries be in order and that the Senate be in order.

Mr. DANAHY. I thank the Senator from Massachusetts. Through the law as it now stands, we have for several years served notice upon the peoples of the world that in the event of war between or among nations we would not supply lethal destructive weapons to belligerents. As the law now stands, we are firmly and completely aloof from the war. We sell no arms to either side, and we certainly cannot be drawn into war therefore because of the sale of such munitions. But if we relax our law, if we repeal its present prohibition, and if we undertake to furnish such arms to one side, there exists the ever-present possibility that because we have thus taken sides we may be drawn into the war. Why would we take such a



step? Would we take this step for money? Would we take that risk for credits? Would we do it for gain?

I made inquiry through the Legislative Reference Service of the Library of Congress to discover the facts with reference to exports of munitions and total exports from the United States to Europe during the fiscal years 1914-16, and discovered that several other Senators, some of them supporters of the pending measure, were receiving at the same time identically the same information.

Mr. President, I know, and these other inquiring Senators know, that the ratio of ammunition and firearms to total exports to Europe in 1914 was less than 1 percent, in 1915 was 2 percent, in 1916 was 14 percent, and in 1917, in April of which year we entered the war, it was 18 percent—a constantly increasing ratio year by year. I have seen various estimates of the total amounts of cash and credits now available in this country to Great Britain and France. They aggregate approximately \$10,000,000,000. One percent of \$10,000,000,000 is one hundred million, 2 percent is two hundred million. Is there anyone anywhere in this country, regardless of the motives by which he is actuated, who would risk sending our boys to France to be killed in this senseless war for a munitions trade of one hundred million or two hundred million dollars? Of course, to state the question is to state its answer.

No, Mr. President, if we are going to send our boys out to die, we will not do it for money. So let us look a little further into this proposition to ascertain why some would risk the possibility of our entrance into this war. Would we undertake the possibility of entering this war, and, therefore, repeal the present arms embargo, on the ground that Great Britain needs arms to be supplied by us? In that connection it should be mentioned that the present law created a National Munitions Control Board, consisting of the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Under the law, every person who engages in the business of manufacturing and exporting arms, ammunition and implements of war must register with the Board and receive a registration certificate and license, and the exportation of arms by any other than a licensed person is made unlawful. The Board is required to make an annual report to Congress, and it is indeed a matter of great interest to examine the figures reported by the Board.

For example, from December 1, 1936, to November 30, 1937, export licenses of arms and the like to Great Britain were \$1,833,971. From December 1, 1937, to November 30, 1938, export licenses in favor of Great Britain were issued to the total of \$26,611,797.

Mr. President, there has been some claim on the floor of the Senate that we were undertaking to arm aggressor nations at the very time when peaceful nations were not arming. Yet from December 1, 1937, to November 30, 1938, down to 2 months after Munich, export licenses were issued to Great Britain in the total of \$26,611,797. Over the same period licenses were issued to Germany in the amount of \$189,664. For the first 4 months of 1939 the licenses total only \$14,008,980.

Surely Great Britain had at least as much information about the impending war as did the people in this country. Surely it is reasonable to conclude that if Great Britain were in need of arms, ammunition, and implements of war we could expect to find her export licenses increasing month by month. Surely she could have bought safely and legally any and all arms, ammunition, and implements of war up to the date of the issuance of the President's proclamation on September 3, 1939. Until a state of war was declared by the President to exist, there was no limitation whatever upon purchase by Great Britain from us of all the munitions she chose to export. But in May 1939 export licenses were issued for such munitions to be exported to Great Britain in the amount of only \$227,152. In the month of June export licenses were issued for exports to Great Britain in the total of \$79,633. In the month of July, \$71,801 and for the month of August only \$321,434.

Mr. President, between the end of April 1939 and August 31, 1939, export licenses were issued to export arms and munitions and implements of war to Great Britain in the total amount of less than \$701,000.

That was 2 weeks after our President took to the radio and broadcast a message to an overseas ruler—within 2 weeks. Commencing at the end of April 1939, and running down to and including August 31, 1939, just before the outbreak of the war, export licenses were issued to Great Britain in a total amount of less than \$701,000. These are figures furnished to me by the Secretary of State.

This situation will admit of only three inferences, and one of those three inferences necessarily is that Great Britain did not want and does not need munitions from this country. The second of those inferences is bound up in the fact that someone ordered the German steamship *Bremen* detained in New York Harbor for a period of 2 days before there had been a declaration of war. The other of those inferences is bound up in the fact that the American fleet is today, and for several months has been, in the Pacific Ocean.

Mr. President, Great Britain has had no interests in Poland, but she has billions in the Orient, from New Zealand and Australia north and west to India, and up through the Straits Settlements into China.

It is common knowledge that a severe and raging war has engaged Japan for many, many months, and that during the progress of that war the United States has continued to furnish arms, munitions, and implements of war to Japan. There is not a town in the United States, there is not a village or hamlet from which the scrap iron has not been collected to be manufactured into munitions, to be made into slugs, for use by the Japanese Army. At the same time that the United States has been assisting Japan to conduct a war whose necessary result is to deplete Japanese manpower and Japan's economic resources the United States has been making loans to China. This has been done by the Export-Import Bank through the Universal Trading Corporation, as well as directly through the Reconstruction Finance Corporation itself, with the result that we have assisted Japan in making a war and China in continuing it. For whose benefit is all this done? As a part of what policy? How is it that we can invoke an embargo in the Italo-Ethiopian War, but there is talk of repealing it when Great Britain is at war?

How is it that we can further the policy of Great Britain with reference to the Spanish War and invoke an embargo against both sides there, but we are asked to repeal it in the present war? If the United States really wishes to help Great Britain, in what way can we best assist her?

Mr. President, perhaps Great Britain does not want this arms embargo repealed. Is it not about time that we asked Great Britain in what way the United States can best be of help, for it may well be that the last thing Great Britain wants is repeal of the arms embargo. On January 4, 1939, Senator PITTMAN introduced into the RECORD the speech of Rt. Hon. Anthony Eden, delivered in New York City in December, from which I quote:

Nor are we calling out for help to others nor seeking to lure others to pull our chestnuts from the fire. We have no such intention.

That same day the President of the United States told us that—

There comes a time in the affairs of men when they must prepare to defend not their homes alone but the tenets of faith and humanity on which their churches, their governments, and their very civilization are founded. The defense of religion, of democracy, and of good faith among nations is all the same fight. To save one we must now make up our minds to save all.

What inference do you draw then from the facts and the figures? It may be well that Great Britain does not need or want the kind of help that sponsors of this resolution would seek to give her.

Suppose we should make the hideous mistake of repealing the embargo upon the exportation of arms and adopt the resolution as it stands, the Japanese need only declare a war upon China and thereupon take possession of all commerce

on the Pacific Ocean. Under the provisions of this joint resolution Japan, with resources at her command, can buy all the arms and implements of war for which she has the ability to pay or for which credits will be extended to her. She has the merchant ships to carry her purchases across the ocean. She has the navy to protect her merchant ships. Then China, without resources and without a navy, will be absolutely at the mercy of her enemy. We would be undertaking, according to the proponents of the resolution, to assist one side whom we deem worthy in the European war, while at the same time we would definitely assist in the creation of a new war in the Orient. Those who would like to see Germany defeated in the Occident would promote a certain ascendancy of Japan in the Orient. Will it be argued that such a result is desired by those who wish to assist Great Britain and France?

Mr. LUCAS. Mr. President—

The PRESIDING OFFICER (Mr. McKellar in the chair). Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. DANAHER. I yield.

Mr. LUCAS. The Senator from Connecticut has been discussing the Japanese-Chinese situation as it exists at the present time. Is there anyone in the country who does not agree that China and Japan have been in war for the last couple of years?

Mr. DANAHER. Mr. President, I understand, without knowing, and without wishing it definitely ascribed to me, that the President of the United States does not know it, and has never issued a proclamation embargoing arms, ammunition, and implements of war.

Mr. LUCAS. In reply to the suggestion made by the Senator from Connecticut, technically under the Embargo Act which the Senator is defending so vigorously in this debate, there has never been any declaration of war between China and Japan, and because of that, as I understand it, there has been no embargo on arms, ammunition, and implements of war. One of the very reasons why the Senator from Illinois is for the repeal of the embargo on arms, ammunition, and implements of war is because of the fact that for the last few years China and Japan have been able to buy everything that the munitions makers in this country could sell them, and the law we have on the statute books at the present time has in nowise kept China and Japan, if they could negotiate with the munitions makers in this country, from purchasing the war supplies, the death weapons, that the Senator is talking about.

Furthermore, the point made by the colleague of the Senator from Connecticut [Mr. MALONEY] today, a point which the Senator from Illinois made in a radio address the other night, and something which I hope someone who is interested in the continuation of this embargo on arms, ammunition, and implements of war will explain to me, is this: Under the present law we can sell to communistic Russia today all the bombing planes and the implements of death she can afford to buy, and the records will show that during the last 4 or 5 years Russia has bought millions of dollars worth of munitions of war from the United States of America, or from the people interested in the making of death weapons in this country. And, yet, under the present embargo act, as it is on the statute books at this moment, we cannot sell a pound of powder to Canada, which has been our peaceful neighbor for over 100 years.

If I may move into the realm of speculation for a moment, if the Senator will pardon me, I wish to do a little speculating, because as I have listened to the debate in the United States Senate during the last 2 weeks there has been a good deal of speculation and not enough facts, in my humble opinion. And so I presume I will be in order in so doing. Let me premise this bit of conjecture by saying at the outset I hold no brief for imperialistic England, or imperialistic France, or the ideologies of Stalin or Hitler.

The Senator from Illinois is primarily interested in his own America first, last, and all the time, to the end that we shall keep the peace and stay out of this war. But as I try to analyze this law which is on the statute books at the

present time, I cannot understand how anyone can justly say that it is a law of strict neutrality as it is applied to all nations at the present time. For instance, if we do not know it, the people of Poland do, that Russia is at war. We sell her anything and everything, and does anyone doubt that some of those supplies will ultimately reach Germany? We sell Belgium all the war supplies she wants. Does anyone believe that she would not in turn send a part of them to England or France if they needed them?

Since speculation and guesswork seem to be working overtime in these debates, let me make one further chance observation. I say that it is not beyond the realms of possibility that before this war is finished Germany will declare war on Finland, and then Mr. Stalin and his bears will move in on that peaceful nation, just as they moved in on Poland, and we will still be selling Russia, and yet under this law we will be unable to sell a single war supply to Finland, the only nation in Europe that has paid her debts.

Those are the things which I say to the Senator from Connecticut have bothered me in connection with attempting to arrive at an honest and intelligent conclusion as to whether I should vote to lift this embargo or to continue the embargo.

I wish to say further, in conclusion, that in my humble judgment the Senators of the United States in this debate have far overemphasized and magnified the importance of the continuation or the repeal of the arms embargo, as far as getting us in or keeping us out of war is concerned. In my humble judgment the cash-and-carry plan so far overshadows either the continuation or the repeal from the standpoint of keeping us out of the holocaust of hell across the way that there is no comparison between the two.

I thank the Senator for yielding to me of his time.

Mr. DANAHER. Mr. President, at the very outset let me thank the distinguished Senator from Illinois for his contribution to this debate. In the judgment of the junior Senator from Connecticut his views are always interesting, they are certainly sincere, and above all he is mentally honest. With that approach I want to undertake, Mr. President, to take up the points mentioned by the Senator from Illinois.

In the first place, he says that, as he understands, the present law did not work with reference to Japan and China simply because a war had not been declared. That is the expression he used. In the first place, Mr. President, the law does not require that war be declared before a state of war shall exist, and that is why the statute adopted the language "a state of war."

That is why those very words are interpolated into that statute, because it has not been the policy in recent years for countries to declare war. They move in on another country. Everybody in the United States, as the Senator says, knows that there was a state of war in China, but officially we did not act. There was nothing the matter with our statute. The statute was there. But, Mr. President, if that is all that is bothering the Senator from Illinois, then I will say to him that I shall be happy to join with him in furthering a resolution which will call upon the President to declare and to issue the embargo on arms against Japan, which will remove that ground of objection.

In the second place, Mr. President, the Senator said that he cannot for the life of him understand how the pending measure would authorize the shipment of munitions to communistic Russia, as he described it.

I will say to the Senator from Illinois that I will join with him in stopping such shipment, because all we have to do is to amend our present law and forbid the exportation of munitions to any neutral country. We do not have to repeal the embargo, which says we may not ship to belligerent countries. So, Mr. President, we will dispose of that point of objection. I know the senior Senator from Illinois will go along with me that far.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. LUCAS. As I understand the proposal of the Senator, assuming that he could satisfy my position, I take it he



would have the Congress amend the statute as it exists at the present time, to meet the objections which I have pointed out.

Mr. DANAHER. Exactly.

Mr. LUCAS. I take it the Senator would not claim that we would then be changing the rules in the middle of the game?

Mr. DANAHER. No; for we should not be relaxing our law.

The whole test is whether or not we are relaxing our law in favor of one side. We as a neutral Nation have the right to tighten up, but we have no right to relax the provisions of our protective statute in the event a war shall have broken out.

Mr. LUCAS. Of course, whether we relax or whether we tighten the law makes little difference, in my opinion. It depends largely upon the attitude of mind of Senators as they view the situation before them. In my judgment, if the suggestion of the Senator from Connecticut was enacted into law we would be doing the very thing which a number of Senators have been protesting against from the time the debate started. In other words, if I have understood the position of a number of Senators on the floor insofar as the embargo on arms, ammunition, and implements of war is concerned, the Congress of the United States can do nothing to promote or affect our own domestic policy and take care of our own general welfare. We must remain stagnant; we must remain sterile; we must remain paralyzed until those fellows across the pond finish their bloody deeds; and after that we can change this law if Congress so desires.

Mr. HOLT and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield and, if so, to whom?

Mr. DANAHER. I yield to the Senator from West Virginia.

Mr. HOLT. I do not believe it is necessary to repeal the law to put the arms embargo in effect in connection with the situation between Russia and Poland. When Russia went into Poland she declared war against Poland, whether she did it by letter or by arms. It does not require any change in law to put the arms embargo in effect in that situation. Why should we indict a law because the President fails to administer it?

The situation is the same with respect to Japan and China. The law actually covers the situation; but the administration will not touch it, because the President himself has failed to do so. It is not the fault of the law.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to the Senator from Illinois.

Mr. LUCAS. I appreciate the contribution from the Senator from West Virginia, and I can understand exactly how he feels about the President of the United States in connection with the enforcement of the Embargo Act; but I undertake to say that there are a number of Senators who, if the President of the United States issued a proclamation embargoing arms, ammunition, and implements of war to Japan, China, Russia, or any other nations which might be at war but have not so declared, and have not advised the world officially that they are at war, they would be among the first to declare that President Roosevelt was again usurping power and arbitrarily exercising authority which he does not have under the present law. This has been a charge made against him over and over again.

Mr. HOLT and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and if so, to whom?

Mr. DANAHER. I yield first to the Senator from West Virginia, simply in order that he may conclude his colloquy with the Senator from Illinois. I thank the Senator from Massachusetts [Mr. LODGE] for his forbearance.

Mr. HOLT. Mr. President, the President of the United States declared an embargo in the Italian-Ethiopian War. There was no declaration of war in that instance. In the Japanese-Chinese War the Japanese are just as much aggressors as was Italy in the former case. The only difference

is that England wanted us to declare an embargo in one instance, and in the other she did not; and we listened, as usual, to the voice of Downing Street instead of the voice of Main Street of America.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to the Senator from Massachusetts.

Mr. LODGE. I should like to submit to the Senator from Connecticut this thought, which was brought into comment by the interesting idea propounded by the Senator from Illinois: It is not truly accurate to speak in terms of changing the rules while the game is in progress. Is it not a much more accurate phrase to say that we should not change the balance of power while the war is in progress? It is not so much changing the rules. It is changing the balance of power. If we change the balance of power while the war is in progress, then it seems to me that by any sincere or fair test we are being unneutral.

Mr. DANAHER. I thank the Senator from Massachusetts for his observation. Answering that particular comment in my own way, let me say that war is no game. War is a hideous, foul destruction of human beings, life, and property.

Mr. President, under the rules of international law we find our answer—the international law, if you please, to which the President in his message said he wished to return. He told us that we ought to return to international law; that that and the repeal of the arms embargo were the crux of the problem confronting the Congress. Under the rules of international law—not the “rules of the game”—if once a nation has taken the position of a neutral and a war shall have broken out, that neutral may not change the rules of its announced position. It may not change its status motivated by any desire to help one side in the war without thereby becoming unneutral in the eyes of international lawyers and in the eyes of history. We as a nation certainly do not want to stand as naked as a treaty breaker in any such aspect.

Mr. President, I think that the contributions of the various Senators who have participated in the colloquy in the past few minutes have served, perhaps even better than my own argument, to point up the proposition I have submitted. It seems to me it is perfectly clear what inference we ought to draw from the facts and figures with reference to the purchases by Great Britain over the past few months. It seems to me perfectly apparent that it well may be that representations of a sort not known to us have been made and entered into, on the strength of which she has acted.

I wish to refer once more to the President's message in January of 1939. He told us then:

We have learned that God-fearing democracies of the world which observe the sanctity of treaties and good faith in their dealings with other nations cannot safely be indifferent to international lawlessness anywhere. They cannot forever let pass, without effective protest, acts of aggression against sister nations—acts which automatically undermine all of us.

Obviously they must proceed along practical, peaceful lines. But the mere fact that we rightly decline to intervene with arms to prevent acts of aggression does not mean that we must act as if there were no aggression at all. Words may be futile, but war is not the only means of commanding a decent respect for the opinions of mankind. There are many methods short of war, but stronger and more effective than mere words, of bringing home to aggressor governments the aggregate sentiments of our own people.

Mr. President, at a time when we in this Nation are not embroiled in war; at a time when our own law securely prevents our intervention by supplying arms to either side, will the Senate now say that we should abandon the reasonable and proper safeguards to make a condition of safety sure, and enter upon a course wherein we undertake to adopt methods “short of war”?

Mr. President, I cannot believe it.

In this connection it may be well worth while to consider for a few minutes section 7 (a) of the pending joint resolution. It will be remembered, Mr. President, that up until yesterday the majority of the Senate Committee on Foreign Relations, who had sponsored the pending measure, were trying to cause us and to cause the country to believe that the financial transactions section contained within it a cash-and-carry clause. I mention the matter specifically at this time because the distinguished senior Senator from Illinois said that he felt that

the issue should not turn on repeal of the arms embargo. He feels that the most important possible safeguard is the cash-and-carry clause of the joint resolution. I think I quote in essence what the Senator said.

Mr. President, I cannot find in the joint resolution reference to any payment of cash. I cannot find in the joint resolution a reference which would limit the transfer of title conditioned upon the payment of even a 5-cent piece in cash. I should like respectfully to ask the senior Senator from Illinois where he has found any such provision in the joint resolution. I think what he meant was that we ought to have some such provision in the joint resolution. Is not that what the Senator meant?

Mr. LUCAS. I am sure the Senator knows that before this debate is over there will be a cash-and-carry provision which, in my opinion, will not only satisfy the Senator from Connecticut, but will satisfy the American people. The provision as it exists at the present time is not satisfactory to the Senator from Illinois. I have never made that statement before to anyone; but I will say coldly and bluntly that the cash-and-carry provision as it is written in the pending measure is not satisfactory to me. I understand that the Senator from Nevada [Mr. PITTMAN], in due course of time, will move to amend the measure so that it will be approved by the Senator from Connecticut; and I know that when it is satisfactory to him it will be satisfactory to me.

Mr. DANAHER. I thank the Senator from Illinois from the bottom of my heart. I knew, mentally honest as he is, that he would so state; but actually, Mr. President, the joint resolution is still speaking in futuro. Cash and carry is not in it, and, as the Senator from Illinois says, if we are ever going to have a cash-and-carry provision put in the measure, apparently the Senator from Nevada will have to come up with another amendment to bring the joint resolution within the cash-and-carry purview, which the country was told was already in it.

Mr. LUCAS. Mr. President—

Mr. DANAHER. I yield to the Senator from Illinois.

Mr. LUCAS. I think the Senator from Connecticut should be a little more charitable to the Senator from Nevada, who is not now present. I think the Senator from Connecticut knows well enough that seldom a bill comes to the floor of the Senate that is not amended. Now I think the point with reference to the 90-day credit feature will probably be the only serious objection the Senator from Connecticut will have and whenever he is satisfied upon that question, in the final analysis, he will support the Senator from Illinois in the belief that a cash-and-carry provision, if it is so written as to satisfy him beyond any shadow of doubt, is more important than either the repeal or the continuation of the arms embargo. I hope the Senator will vote his convictions on the arms embargo, which will be for its continuation, but after that I hope he will seriously weigh the question of cash-and-carry and see if he cannot, in the last analysis, determine that the latter is more important and finally vote for the pending joint resolution, assuming always that the provision for the arms embargo shall be repealed.

Mr. DANAHER. Mr. President, I first want to thank the Senator from Illinois. I know he did not mean to imply that I was uncharitable to the Senator from Nevada [Mr. PITTMAN], for whatever I happened to say at the time I have said in his presence, and if it were a case of repeating it I should be glad to do that when he is present; so there is no question on that point I am sure.

In the second place, I did submit to him specifically the other day wherein in the joint resolution could he find anything that required payment of cash so as to come within the so-called cash-and-carry idea. It is not there.

Mr. BARKLEY and Mr. HOLT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield, and if so, to whom?

Mr. DANAHER. I yield first to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, while I do not wish to prolong the Senator's discussion of this matter by injecting myself into his speech, yet it ought to be said, in order that

the record may be clear, that there has never been a law enacted by Congress that required the payment of cash for arms, ammunition, and implements of war. There has never been a measure introduced by anybody, even by those who oppose the pending measure that would require the payment of cash in the ordinary sense of the word.

The Committee on Foreign Relations, when this matter was before it, put the 90-day provision in as a restriction. Some of those opposing the measure, and who opposed the repeal of the arms embargo in the committee, took the position that 90 days was not sufficient, that 120 days was really necessary in order that transactions regarded in international trade as cash might be cleared across the water. But there was so much confusion in interpretation—honest confusion, I am sure—on the part of Senators, and the outside world also, it being contended by some that by the mere mention of a 90-day period we were granting something rather than making a restriction in the law as it has heretofore existed, and as provided in bills which have been introduced, in order that that matter might not be a source of confusion and misunderstanding and misrepresentation, the Senator from Nevada offered an amendment to eliminate it altogether.

The Senator from Connecticut is right—and he would be right if he made the same statement concerning all other laws which have heretofore been enacted with respect to the so-called cash and carry—that "cash" has been a misnomer from the beginning. It was a colloquialism that was attached to it largely by the newspapers, for the word "cash" was never inserted in any bill or in any law on the subject. Theoretically checks given in payment of goods are supposed to be cash, but I think everyone realizes that if we were to require customers abroad to bring money in the form of cash, currency, as does the housewife who goes to market with a basket and pays for groceries by giving the money, it would be utterly impossible to carry on any form of international trade in that way. But neither the pending joint resolution or any other measure or the law itself that has been enacted heretofore ever used the word "cash." I repeat, it has been a colloquialism that has really given a wrong impression to laws that have been enacted and measures which have been introduced.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. DANAHER. I yield.

Mr. LA FOLLETTE. In order to keep the record straight, let me say that I think I attended every meeting of the Foreign Relations Committee which took place where the members of the committee were invited. I wish to say that I think the Senator from Kentucky must be confusing a full committee meeting and a meeting of members of the committee who were in favor of the repeal of the arms embargo which met to draft the joint resolution, when he said that there was some suggestion that the credit clause should be extended to 120 days, and that he was in error when he credited that suggestion to members of the committee who were opposed to the repeal of the arms embargo.

Mr. BARKLEY. I will say to the Senator from Wisconsin, if the Senator from Connecticut will permit me, that I distinctly recall one of the outstanding Members of the Senate and of the committee who opposes repeal of the embargo who suggested in the full committee that the joint resolution should really provide 120 days instead of 90 days. Another member of the committee, who is also an outstanding opponent of the repeal of the embargo, suggested that even if 120 days were put in, Congress would later have to extend it, because that would not be sufficient to carry on international trade even on a supposed cash basis.

We have eliminated all that by the amendment which the Senator from Nevada has offered, and it is a moot question now; but I mention it only to show that even some of those who are opposed to repeal were not opposed to the 90-day provision or even a longer time. I do not care to reveal the names of the members of the committee without their consent, but I think we all remember that discussion.



Mr. LA FOLLETTE. Mr. President, I merely want the Record to show—

The PRESIDING OFFICER. Does the Senator from Connecticut yield further?

Mr. DANAHER. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I merely want the Record to show that my recollection does not serve me as that of the Senator from Kentucky serves him in connection with the statement he has made. Of course, if the Senator does recall it, I would not dispute what he says, but I thought I had been present at every meeting to which the full committee was invited.

Mr. JOHNSON of California. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. DANAHER. I yield.

Mr. JOHNSON of California. I want to stand with the Senator from Wisconsin [Mr. LA FOLLETTE] in that respect. I have no recollection of any meeting that I attended—and I attended all that I was permitted to attend but one—when that question was brought up or when anything was said about the cash-and-carry problem.

The Senator from Kentucky says that in none of the laws that have been enacted regarding cash and carry has there ever been any provision with respect to the time of payment of the amount that might be charged foreign purchasers. Heretofore we have never had a law, save one, which embraced the cash-and-carry idea; and if he will read Mr. Baruch's dissertation as to why he presented that suggestion, he will see that it referred to cash and carry; that it did not refer to credit and carry. The reason for this amendment is that the chairman of the Foreign Relations Committee saw that it was impossible to pass the joint resolution with the provision it originally carried. So he proposes now to strike out everything in relation to credit and leave it a cash-and-carry proposition.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield further to the Senator from Kentucky?

Mr. DANAHER. I yield.

Mr. BARKLEY. I am not going to enter into a dispute with my friend from California about something that I recall very distinctly happened in the committee but which he does not recall. I could give the Senator, in private, the names of the Senators to whom I have reference.

Mr. JOHNSON of California. Does the Senator mean me?

Mr. BARKLEY. No; I do not.

Mr. JOHNSON of California. Does the Senator mean the Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. BARKLEY. No; I do not mean either one.

Mr. JOHNSON of California. They are the only two to whom I referred.

Mr. BARKLEY. I realize, of course, that the Senator from California and the Senator from Wisconsin are both important and outstanding members of the Foreign Relations Committee and are both outstanding opponents of repeal. There are also others.

Mr. JOHNSON of California. Yes; and there stands the Senator from Kentucky.

Mr. BARKLEY. Yes.

Mr. JOHNSON of California. He is not an outstanding foe of repeal, but he is an outstanding proponent of repeal, and I yield to him my meed of praise for standing just that way.

Mr. BARKLEY. It is mutual, I will say to the Senator.

Mr. JOHNSON of California. I thank the Senator.

Mr. BARKLEY. But now, getting back to cash, regardless of what Mr. Baruch said in his testimony before the Foreign Relations Committee, the provision of the law on the statute books which expired on May 1, as the Senator from California and all other Senators will recall, did not require cash payment; it only required that title should be transferred to the purchaser.

Mr. JOHNSON of California. Quite so.

Mr. BARKLEY. The word "cash" was not used.

Mr. JOHNSON of California. No.

Mr. BARKLEY. And the requirement to pay "on the barrel head," as we say, or to give a check at the time of the purchase was not in that law. The only requirement was that title should pass, and if an American manufacturer wanted to give his product to a foreign government there was nothing to prevent it in the law as it was passed and as it expired the first of last May, which contained the original so-called cash-and-carry provision.

I may be dealing in technicalities; but the point I was attempting to make was that with the amendment which the Senator from Nevada has offered—and which, I suppose, will be adopted—the joint resolution on that subject then will be practically in the same terms as the law which expired on the first of last May, with some modifications; and that the provision of the joint resolution on the subject of financial relations, preventing the flotation in this country of bonds or the sale of obligations of any belligerent or any foreign country or its subdivisions or any agent thereof, was not supposed to apply to the ordinary checks and drafts that are used in international transactions of commerce. It was supposed to apply to the public flotation of bonds, or even to private sales of bonds, obligations of governments, their political subdivisions, or agents representing them.

Mr. JOHNSON of California. Is not the Senator wandering far afield at the present time? We now have an academic question before us—that relating to cash and carry as the amended joint resolution has it. There is very little profit to be derived from discussing it. I should be delighted to discuss it with the Senator, because I have some very fixed views upon the subject; but I feel that the time of the Senator from Connecticut is being needlessly taken up.

Mr. BARKLEY. I am sure the Senator from Connecticut will appreciate the solicitude of the Senator from California with respect to his time; but he himself has been rather prodigal with it.

Mr. JOHNSON of California. He has listened to everybody.

Mr. BARKLEY. The only point which I wished to make—it may be needless—was to emphasize the fact that the word "cash" now is, and always has been, a misnomer in connection with this legislation.

Mr. JOHNSON of California. I do not concede that for an instant. From the time this kind of project was suggested we have heard all the time cash and carry, with the rat-a-tat-tat of the cash on the barrel head that could not be mistaken. From the highest to the lowest in the Government it has been cash and carry. Then a measure comes out which is not cash and carry at all, but which is credit and carry. Then the Senator from Nevada [Mr. PITTMAN], the able chairman of the Foreign Relations Committee, yesterday amends the joint resolution—a very wise precaution on his part—and we shall have, before we get through, cash and carry again; and cash and carry will be what we shall call Mr. Baruch's scheme, as he intended it to be called.

Mr. HOLT and Mr. CLARK of Missouri addressed the chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and if so, to whom?

Mr. DANAHER. I yield first to the Senator from West Virginia.

Mr. HOLT. Mr. President, so that we may not be confused, I wish Senators, in discussing the Foreign Relations Committee in the future, would state which Foreign Relations Committee they mean—the one of the Senate or the "nonpartisan" Foreign Relations Committee which drafted the pending joint resolution.

Mr. CLARK of Missouri. Mr. President—

Mr. DANAHER. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I do not wish to take the Senator's time; but I have just returned to the Senate Chamber after a very brief absence to interview a constituent in the reception room, and have been told that the Senator from Kentucky [Mr. BARKLEY] made the statement that in the Foreign Relations Committee an opponent of repeal of the

embargo had said that 90 days was not enough time; that it ought to be 120 days.

Probably the Senator from Kentucky refers to a remark which I myself made, because I was the only one who made any remark which could possibly be so misconstrued. When the Senator from New York [Mr. WAGNER] suggested that he was not willing to allow so long a period of credit in the provision as 90 days, and it ought to be cut to 60 days, I said that I was opposed to any period of credit whatever if it was going to be a cash-and-carry provision, and if we were going to have credit at all it did not make any difference whether it was 60 days or 90 days or 120 days; no matter what the period might be, it would be simply another method of beating the devil around the stump. I never said, and I did not hear anybody else in the Foreign Relations Committee say, that 90 days was not enough, and that we ought to have 120 days.

Mr. DANAHER. Mr. President, interested and intrigued as I was by the comment of the Senator from Kentucky, I should like very much to ask him, if I may, a question regarding section 7 (a) as it will stand when amended. It is on page 21. Can the Senator find anything in section 7 (a) which will forbid the Reconstruction Finance Corporation or the Export-Import Bank from making a loan to a foreign government, or an agency thereof?

Mr. BARKLEY. Mr. President, I have not given thought to that section in the light of any possible loan on the part of the Reconstruction Finance Corporation, but I should say that the provisions of section 7 (a) would apply to the Reconstruction Finance Corporation, or to any other agency of the Government, as rigidly as they would to any other creditor or manufacturer or agent of industry in this country that might be in the business of furnishing materials or supplies to any belligerent in the present war.

Mr. DANAHER. I thank the Senator, Mr. President. That is the construction with which I, too, will agree, and I am glad to hear that view from the Senator from Kentucky.

Now I will ask him one other question with reference to the same subject matter, if I may—whether or not, on the other hand, there is any prohibition of the use by our Treasury Department of our stabilization fund for the purpose of maintaining the currencies of Great Britain and France.

Mr. BARKLEY. Of course the Senator knows that the law which created the stabilization fund prescribes the uses to which it may be put, and that in the main it is for the purpose of maintaining the American dollar and protecting the commerce of the United States against possible decline in the value of foreign currencies so as to put our manufacturers at a disadvantage. Whether the mere fact that Great Britain and France are at war ought to operate to stop the operation of the stabilization fund, or ought to prevent the Treasury from carrying on its normal activities with respect to the fund, is a subject about which Senators may have different opinions. In my own judgment, without further evidence and further experience, I do not believe the normal operation of the stabilization fund ought to be interfered with merely because there is a war in Europe.

Mr. DANAHER. I thank the Senator from Kentucky.

Mr. CLARK of Missouri. Mr. President—

Mr. DANAHER. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. It seems to me that the inquiry of the Senator from Connecticut as to the stabilization fund and its uses is an extremely pertinent one, particularly in view of the fact that Congress at all times has been refused any information as to the operation of the stabilization fund.

We all know that there is something over \$2,000,000,000 in the stabilization fund. We also know that during the last war Great Britain spent in the neighborhood of \$2,000,000,000—not quite that much, but in that neighborhood—in sustaining sterling exchange. I think it is a matter of the utmost importance for Congress to find out whether our \$2,000,000,000 in the stabilization fund is going to be used in this war to support British sterling exchange.

I may say to the Senator that I am preparing to address the Senate at some length upon that very subject; and I do

not think this session of Congress ought to adjourn until we find out what is going on with the stabilization fund, and find out whether, in effect and in fact, it is being used to sustain British and French exchange, which, as I say, cost nearly \$2,000,000,000 in the last war.

Mr. DANAHER. Mr. President, I am delighted to know from the Senator from Missouri that he contemplates an exploration and a dissertation upon this subject; and I shall make no further reference to it at this time. I shall certainly wish to be present to hear his remarks, for I agree with him that in the joint resolution now pending before Congress there is no limitation whatever to forbidding against the money of the taxpayers of the United States being used to maintain the currencies of the nations referred to.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. Yes; I yield to the Senator from Kentucky.

Mr. BARKLEY. Inasmuch as this matter has been brought into the discussion, I do not want to leave it without an observation.

The stabilization fund in its normal operations constitutes a day-to-day activity. It would be utterly impossible for the Treasury Department to keep Congress informed from day to day or from week to week about its operations, although the Treasury Department does make a report to Congress from which it can see what the Department has done during the period of the report. The stabilization fund was not created for the purpose of aiding England or France or any other country to maintain its currency, but to enable the American people to maintain their currency if it was necessary to protect our people against the abnormal decline of foreign currencies that might interfere with the sale of our products in the markets of the world. The stabilization fund is an American protective device, and not a device for the protection of any other country.

Mr. DANAHER. Mr. President, I thank the Senator from Kentucky; but I recall that when we had hearings before the Committee on Banking and Currency, and Secretary Morgenthau was there, the distinguished Senator from Delaware [Mr. TOWNSEND] questioned the Secretary of the Treasury at considerable length with reference to this subject, and the Secretary of the Treasury then stated:

We in the Treasury are not preparing for war.

The distinguished senior Senator from Virginia thereupon interposed:

Well, you had better be!

And the Secretary of the Treasury thereupon said, in effect—I am not quoting him, but I am paraphrasing his remarks from recollection—that he saw no reason for a difference between the operations of the stabilization fund in time of war and its operations in time of peace. The fact of the matter is that while we are protecting the American dollar, as the Senator from Kentucky says, we are protecting it in terms of the French franc, and we are protecting it in terms of the British pound.

Mr. BARKLEY. Only as they relate to international dealings between the business and commercial and industrial interests of the United States and those of the foreign country.

Mr. DANAHER. Which brings me precisely to section 7 (b) of the pending joint resolution.

Section 7 (b) says:

The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

Mr. President, whatever orders they want to put in, whether it be for grain, or cotton, or munitions of whatever kind, no matter whether they first put those orders in last June or whether they placed them in November, they constitute indebtedness when the contract has been acted upon, they constitute a state of indebtedness which is not inveighed against in the pending measure, which is not forbidden. There are no limitations on it, but expressly, and in so many words, even though the Senator from Nevada would



undertake to amend section 7 (a), he does not touch 7 (b). He has purposefully and intentionally written into this measure an exception, so that all indebtedness on whatever account will be taken out of the measure just so long as it exists on the date in the future when the President issues his proclamation. Consequently, when gentlemen talk about the stabilization fund, and talk about the maintenance of the American dollar, and talk about it being in furtherance of a domestic policy, for what possible purpose was section 7 (b) inserted if it was not intended to refer to such indebtedness as might be incurred by a foreign state, or a subdivision or agency thereof?

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. CLARK of Missouri. Under section 7 (b), to which the Senator has just been referring, is it not entirely possible that any nation might exchange with its own nationals new bonds, new securities, on any basis it might see fit to adopt, for old securities issued prior to the date of the declaration of war or the President's proclamation, and then use those old securities in refinancing its obligations in this country to enable it to purchase munitions or anything else?

Mr. DANAHER. It goes further; it permits the incurring of indebtedness on any account whatever. All that is needed is to have the indebtedness incurred between now, or some date in the past, and the date in the future when the President is called upon to issue his proclamation, and all such indebtedness is taken out of the operation of the proposed law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. Gladly.

Mr. BARKLEY. Of course, it is always possible, in the enactment of any statute, to find some theoretical hole through which somebody might jump. It was not supposed by the committee that we could, by the enactment of a law, change the terms of any obligation issued heretofore. At least, that was one of the considerations that entered into the drafting of this section. They are not obligations necessarily between governments. There is nothing in the joint resolution which authorizes any readjustment of the debts due the United States by the nations of Europe, or of any other part of the earth, because those debts have been refunded under an act of Congress, and the very act itself provides that the debts cannot hereafter be readjusted for any amount below the face value, with interest on them, except by another act of Congress. So that it could not refer to the debts due the United States by the nations of Europe, from one government to another.

It probably should not be made to apply to credits, whether they are for 90 days, or whatever their terms. As a matter of fact, all sales which have been made by American industry to the nations of Europe have been on a cash basis up to now, so that there are no such outstanding debts as the Senator might fear. But even if there were some, they might run 4 months or 6 months. We did not suppose that by the enactment of the law now we could change the terms of those sales, and we should not attempt to change the terms of those sales by an ex post facto law, one passed after a transaction had occurred.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Florida?

Mr. DANAHER. Not at the moment. I should like to ask a question of the Senator from Kentucky. As long as the Senator from Kentucky has stated that there is a theoretical hole in this particular section, will the Senator grant to me, for purposes of discussion, that it is a hole, whether it is theoretical or not?

Mr. BARKLEY. I do not grant that. The Senator can assume it.

Mr. DANAHER. The Senator called it a theoretical hole.

Mr. BARKLEY. I said it might be.

Mr. DANAHER. Very well, it might be, then.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DANAHER. Not for just a moment. I desire to point out to the Senator from Kentucky what the present law provides in section 245 (a), subsection (b). Has the Senator a copy of it before him?

Mr. BARKLEY. I think it is in the report of the committee.

Mr. DANAHER. At any rate, let me read to the Senator the language just as it appears:

The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

That is the present law.

Mr. BARKLEY. That is plain.

Mr. DANAHER. But what is the different effect under the present law as compared with the pending joint resolution? Let me point out to the Senator that the moment the President of the United States issued his proclamation on September 3, 1939, the present law became effective. Did it not become operative?

Mr. BARKLEY. Yes.

Mr. DANAHER. Consequently, on that day section 245 (a), subdivision (b) went into effect, and therefore froze all indebtedness then existing. That was the purpose of it.

Mr. BARKLEY. Not necessarily. But even if that be true, of course, the measure now under consideration repeals the law from which the Senator has read this section.

Mr. DANAHER. That is correct.

Mr. BARKLEY. And a new proclamation would have to be issued under the new law.

Mr. DANAHER. That is correct.

Mr. BARKLEY. Therefore whatever had been "frozen" would thaw out, probably, before another proclamation was issued under the new law.

Mr. DANAHER. Which is precisely what the Senator calls a theoretical loophole, and precisely why I say that if the desire is to make that law operative, all that is necessary is to put into the pending measure a provision that the proclamation date of September 3, 1939, shall control. Why are not the proponents of it doing that? If they really want to limit credits, if they do not want indebtedness to be incurred between now and the future date of the proclamation, why do they not make it effective as of September 3, 1939? That is the law.

Mr. BARKLEY. Because each law and each proclamation issued under the law stands on its own merits, on its own bottom, and it is not necessary to go back into the past and say, in a new proclamation issued in the future, that the situation which existed on the third of September or on any other previous date shall apply to the new law or the new proclamation.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DANAHER. I thank the Senator from Florida for his indulgence. I am glad to yield.

Mr. PEPPER. The Senator from Connecticut, of course noting the first few lines of section 7 (a), observed that it is in that part of the section the prohibition is contained; that is to say, the prohibition against the extending of credit to any private individual or corporation in the United States "to purchase, sell, or exchange bonds, securities, or other obligations of the government of any State named in such proclamation, or of any political subdivision of any such State." Let us suppose that obligations extend from one of the foreign governments to citizens of the United States who have bought, for example, Canadian bonds, or suppose they have bought the bonds of a Canadian municipality, and suppose the Canadian Government or the municipality finds it desirable or necessary to propose to its bondholders the refunding of its outstanding bonded obligations.

Under the prohibition contained in the first part of section 7 (a) it would be unlawful for any American holder of any such security to agree to a refunding of those obligations, because the exchange or the purchase, or, probably, by implication, the receipt of any obligation of that character is forbidden by section 7. So in order to make it possible for private individuals who are the holders of such bonds to agree to a refunding, if they desire to do so, an exception

out of section 7 had to be carved, or it had to be made clear that refunding obligations were not forbidden by the provisions of section 7. So that was taken care of by the language of section 7 (b), which reads as follows:

The provisions of this section—

That is to say, the prohibitions contained in 7 (a)—shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

That is not a prohibition; it is merely the allowance of an exception to the prohibition which appears in the first part.

If the Senator from Connecticut were trying to take care of that situation, how would he word the language of the joint resolution?

Mr. DANAHER. The Senator from Florida is asking me now as to how I would protect American bondholders, or foreign nationals, if you like, who live in this country; and, of course, it is possible to permit their being protected. There is no question about that. But the point about this whole law and this whole joint resolution is that if the intention really had been to make it applicable to a state of affairs which existed when the President's proclamation was issued on September 3, 1939, why does not the joint resolution so state?

Mr. PEPPER. I doubt if that provision of the measure has any reference at all to the proclamation in that sense. It does not confer any affirmative authority to buy bonds or securities. It merely provides that where securities have already been issued and the purchasers or the owners of the security are willing or agreeable to an adjustment of the obligations by refunding, for example, they may do so without violating the law. What is wrong with that sort of a permission to any bondholder?

Mr. DANAHER. Mr. President, that is simple. The way the law reads at present, it was provided that the President would have the power in his discretion to make exceptions from the operation of this particular section, in the present law, understand, with reference to commercial credits, short-time obligations in aid of legal transactions and of a character customarily used in ordinary peacetime commercial transactions. That is our law, and when we take section 245 (b) with reference to 245 (a), and use the words "such indebtedness," we apply to any indebtedness inveighed against in section 245 (a). That is what the term "such indebtedness" applies to.

Mr. PEPPER. Let us make it clear, in the first place, that there is not any authority for any new purchases of bonds by Americans granted. So I suggest that if that is true, what difference does it make in the mind of the Senator from Connecticut what is in subdivision (a), which does not permit American citizens to become purchasers of new bonds of foreign governments, but permits only refunding operations? It permits only refunding operations. Why should we object to the bondholder having the privilege of agreeing to a satisfactory refunding obligation at any time?

Mr. DANAHER. Mr. President, of course, if the Senator from Florida can gloss over the fact that the remainder of that section has to do with making loans, extending credits, and all the other phases and methods of incurring the indebtedness, of course that is all right; he can do that. Of course, sales on credit are included, but above everything we find in this language that it applies to the making of any loans, the extension of any credit, and consequently there is no limitation upon any such thing, and debts can be incurred, and orders can be placed, and that indebtedness will be such as is contemplated by section 7 (b).

Mr. PEPPER. In the first place the indebtedness which may get the advantage of section 7 (b) is indebtedness which must have existed at the time of the President's proclamation. Then, the indebtedness that may be incurred with the permission of the President, which is referred to on page 22, that is the short time indebtedness of 90 days, or not to exceed 90 days, cannot come into operation until after the President's proclamation. That is to say the Presi-

dent has no power to act under this law until his proclamation of a state of war first has been made.

Mr. DANAHER. Which he may never issue.

Mr. PEPPER. Therefore, if the proclamation to be effective must precede the allowance of the credit, as under the language of the measure it obviously must, the provision of section 7b can never refer to the short-term indebtedness that is provided for at the top of page 22, and can only apply at any time to the indebtedness that existed at the time of the President's proclamation, and that is old indebtedness that is funded or evidenced by security.

Mr. DANAHER. Mr. President, the Senator from Florida is about 30 hours too late. The Senator from Nevada yesterday introduced an amendment which strikes out all the language the Senator from Florida is talking about, commencing on line 16, page 21, and running to line 11, page 22. The Senator will find that amendment on his desk. It was submitted yesterday by the Senator from Nevada.

Mr. LUCAS rose.

Mr. DANAHER. I yield to the Senator from Illinois.

Mr. PEPPER. Mr. President, before that—

Mr. DANAHER. Just a minute. I wish to yield to the Senator from Illinois. I ask the Senator's indulgence.

Mr. LUCAS. What is worrying the Senator from Illinois is what is going to happen to the obligations and transactions which are carried on between September 3, the date that the President issued the proclamation of neutrality, and the date of the next proclamation, because, as I understand, in the event this law is passed we repeal the present Neutrality Act, which would in effect permit any obligations during that time negotiated to become in such a state that they could be freely exchanged here and there and everywhere.

Mr. DANAHER. Mr. President, the Senator from Illinois has exactly stated the legal situation. He is exactly right, and consequently all of those orders, all of those contracts within that period of hiatus, are contemplated by section 7 (b). That is just exactly where I say that the whole door is open wide without any limitation on credits of any kind whatever.

I should like to yield now to the Senator from Florida.

Mr. PEPPER. If the Senator will excuse me for a moment.

Mr. LUCAS. Will the Senator yield to me for one further question?

Mr. DANAHER. I yield to the Senator from Illinois.

Mr. LUCAS. I do not know whether the Foreign Relations Committee has seriously considered this point or not. I presume they have. But I should like at this particular time to offer for the consideration of those who are vitally interested in this question two short amendments, if I may be permitted to read them into the RECORD at this point.

Mr. DANAHER. I am sure there will be no question. Does the Senator apprehend that the Senator from Connecticut would lose the floor if he should permit that to be done?

Mr. LUCAS. Oh, no.

Mr. DANAHER. The Senator from Connecticut does not either.

Mr. LUCAS. I suggest that there is a possibility of curing the defect which the Senator speaks about, and I trust that the Foreign Relations Committee will give the question consideration, because I think it is important. Therefore I submit the following:

On page 21, line 14, after "proclamation", insert "or issued after the date of any proclamation issued under any prior neutrality law after September 4, 1939, and prior to the date of enactment of this joint resolution, in the case of any state named in any such proclamation, or any political subdivision of such state, or person acting for or on behalf of either."

And, I may say to the Senator from Connecticut, if the amendment should be deemed important a further amendment should be made. I submit, on page 22, the striking out of lines 12 to 14, inclusive, and inserting in lieu thereof the following:

(b) The provisions of this section shall not apply to a renewal or adjustment of indebtedness in existence on: (1) The date of any proclamation issued under any prior neutrality law after September 4, 1939, in the case of any State named in such proclamation, political subdivision thereof, or person acting for or on behalf of



either; or (2) the date of any proclamation issued under section 1 (a) of this joint resolution in the case of any other State named in such proclamation, and any political subdivision thereof, or person acting for or on behalf of either.

This amendment would correspond to the previous one. I merely submit both for whatever they may be worth, doing this solely in the hope that I have made a constructive contribution to the pending bill.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. PEPPER. Do I understand correctly that the chief ground of the objection of the Senator is that the provisions of this law will probably postpone, as it were, the prohibition of existing law, or relax those prohibitions, and he is trying to freeze the period as of September 3, the date of the previous proclamation?

Mr. DANAHER. No. I am certain, Mr. President, that the Senator from Florida has misapprehended in two particulars. One, it certainly is not my chief objection to this measure. My chief objection to this measure is that it would repeal the embargo on arms. We have discussed that.

But to come back to the particular point, the second proposition, does not the Senator know that warehouses in New York, that ships in New York, are loaded with merchandise, ready and waiting and expecting that the existing law will be repealed, and that this measure will be passed, and permit the shipment overseas of munitions and supplies? Does not the Senator know that since September 3 orders have been placed and continue to be placed in this country?

Mr. PEPPER. What is the pertinence of this possibility to the argument which the Senator is making?

Mr. DANAHER. There is no limitation on the placing of orders. There is no question that it has been represented to the public that this measure contained a cash-and-carry provision. The distinguished Senator from Kentucky blamed that on the press. He said the administration was not to blame for it. He said the press did it. He said the administration never called it a cash-and-carry measure, but the newspapers did that.

Mr. PEPPER. I thought the Senator was complaining about the permission or exception carried in section 7 (b).

Mr. DANAHER. Yes.

Mr. PEPPER. In case the measure were adopted, I ask the Senator if he does not believe that the President's proclamation of the existence of a state of war in Europe would be practically, if not certainly contemporaneous, if it did not even precede the effective date of the legislation we are now considering?

Mr. DANAHER. May I ask if the Senator means the future proclamation to be issued under section 1 (a)?

Mr. PEPPER. Yes.

Mr. DANAHER. That is assuming the joint resolution should pass.

Mr. PEPPER. Yes.

Mr. DANAHER. Of course, I should expect the President would issue a proclamation. I trust he would do so; but the pending measure does not require him to do so.

Mr. PEPPER. Let us suppose, then, this case, that the measure became law by its passage by both Houses of Congress, and its signature by the President. Does the Senator not think that at once the President would issue a proclamation under section 7 (a) which would announce a state of war to exist, which would make immediately effective the provisions of this law?

Mr. DANAHER. I should hope so.

Mr. PEPPER. Very well. If that be surmised, section 7 (b) says "The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation"—that is the proclamation we are discussing.

Mr. DANAHER. That is correct.

Mr. PEPPER. So there would not be any authority or opportunity on the part of anyone to incur any of this questionable indebtedness insofar as section 7 (b) is concerned after the date of that proclamation.

Mr. DANAHER. From that date forward. That is correct.

Mr. PEPPER. Very well. If the Senator admits that, then what the Senator is concerned about is the period between September 3 and the date of the proclamation which may be made under this measure, is that correct?

Mr. DANAHER. No. I knew what the Senator was going to say, if he will pardon the interruption. What I object to is the constant reiteration in one circle or another—we have heard it from Senators right on the floor of the Senate—that there is a cash-and-carry provision in this measure, and the public has been led to think that there is a cash-and-carry provision in this measure, and I say to the Senator, and the Senator will agree with me, I am certain, that there is no such provision, and that there is no such requirement in this measure.

Mr. PEPPER. May I pursue the inquiry a little further?

Mr. DANAHER. Yes.

Mr. PEPPER. The Senator quoted a moment ago from the existing law. The law, as I understood the quotation, forbids the extension of credit under its terms.

Mr. DANAHER. That is correct.

Mr. PEPPER. So the Senator admits that there is now a law on the statute books which forbids the extension of credit since September 3 or 4, the date of the previous proclamation?

Mr. DANAHER. Curiously, however, limited to those things which are covered by the act. It will be recalled, Mr. President, that it applies only to the embargo on arms, ammunition, and implements of war, and nothing else.

Mr. PEPPER. At least under the existing law no credit can be extended to any Government for the purchase of arms, ammunition, and implements of war?

Mr. DANAHER. Not legally.

Mr. PEPPER. All we are dealing with is the law.

So, Mr. President, what is the complaint the Senator has with regard to section 7 (b)? That is what I addressed myself to in the beginning. I tried to suggest that the committee was dealing with a situation in which it knew that thousands, if not hundreds of thousands, of American citizens, in the enjoyment of their rights, have from time to time bought the bonds of governments or political subdivisions of governments which are now engaged in war; and we were trying to preserve the rights of those American citizens to accept refunding bonds, provided they agreed to do so as private individuals. The Senator was complaining about section 7 (b) and pointing out some vice it had. If the Senator wishes to address himself further to section 7 (b), I should like to hear him. However, if he is going to discuss the general question of cash-and-carry, I will say that I did not address myself to that question.

Mr. DANAHER. Mr. President, as I get on with this address I think I ought to ask Senators to reconsider the basis upon which they have approached the problem. I am certain that the minds of very few Senators are foreclosed upon this point. I prefer to think, with the Senator from Illinois, that as we canvass these situations together we may find various situations which ought to be corrected and various provisions which ought to be amended. Yesterday the Senator from Nevada himself offered an amendment; and there are yet other phases of this measure which very definitely ought to be explored.

I feel that undoubtedly the individual approach of many Senators to the question may have been influenced by a deep-seated sympathy for Poland. There is no one among us who would not thrill at the thought of the unsung hero who marshaled his gallant forces at Warsaw. But only a week ago last Sunday evening I heard a Senator tell a Nation-wide radio audience that he wanted to see Hitlerism crushed.

Mr. President, who will do the crushing? Suppose it appears that Hitlerism ought to be crushed. Who will do the crushing? What do you think were the feelings of those defenders of Warsaw who daily scanned the skies in vain for the sight of the airplanes of their Allies? Who is to crush Hitlerism? Are we? Are arms, ammunition, and implements of war to be sold on credit so that yet other

peoples, with whom we have no war, may be crushed? Is that to be the contribution of the United States to the crushing of Hitlerism? The sponsors of the joint resolution tell us that we will not pull the trigger. We will not bomb cities from the air. We will merely load the guns. We will merely make the bombs, and we will merely create engines of destruction that a people who have not wronged us as a nation shall be crushed; and we are to do it all—God save the mark!—in the name of keeping out of war. The way the joint resolution is drawn, we are not even to do it on a cash basis.

My own little girl recently said to me, "Daddy, what is the use of my studying history?" If that little girl is not getting any more from the study of her history than the proponents of this particular measure seem to have derived, it seems to me that her question is very apt. We extended credits before. We sold munitions before. We extended those credits, and we exported those munitions to the same nations who are now to get them.

At that time, in 1918, Sir Arthur Balfour said—and I quote:

I do not believe that the whole history of the world shows anything quite parallel or equal to the action of America in this war.

Said Marshal Foch on August 24, 1918:

You may tell the American people their soldiers are admirable. They ask nothing better than to go to their death. They can be reproached only with rushing ahead too fast. It is necessary to hold them back. Their ardor is unflagging.

But in 1926, Mr. President, the London Daily Mail said:

The British nation has been turned into a debt collector to the United States in Europe; but, unlike most debt collectors, we get all of the odium and none of the benefit.

The London Morning Post said:

Even if Europe is left with enough to buy one cotton shirt monthly, meat once weekly, and a pair of American shoes yearly, there will be a growing feeling of resentment against this Good Samaritan.

The London Daily News said in 1926:

It is just as well that Americans could understand how their action in regard to the debts is regarded throughout Europe. It may have contributed to make them the richest people in the world. It has made them out of all comparison the most unpopular.

Mr. President, I have in my hand a photostatic copy of the Washington Herald of August 1, 1926, which I procured from the Library of Congress. It is filled with extracts from leading journals in both France and England, showing the condition of affairs when Uncle Sam became "Uncle Shylock" to Europe.

I wish there were space in the CONGRESSIONAL RECORD properly to represent this entire page, but I would not think of asking unanimous consent to incur the expense involved. I ask those who are interested in the record of exactly what happened when our debtors turned on us in 1926, and what they said about us, to go to the Library of Congress and there find extracts—in fact, the original documents—which will show what happened in 1918 and 1919, when we made loans and credits to the Allies.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. PEPPER. I am very much interested in the citations which the Senator is reading. I think it would be of benefit to everyone if he would give the name of the publication and the page, so that we may observe them.

Mr. DANAHER. I shall be very glad to do so. They are contained in the Washington Herald for Sunday, August 1, 1926; and apparently the pages are 2 and 3.

The PRESIDING OFFICER. Does the Senator desire to insert the matter referred to in the RECORD?

Mr. DANAHER. Mr. President, I fear that the value of the publication as such would not warrant the great cost involved. I shall not ask that it be inserted in the RECORD; but I have given the citation for reference in case anyone wishes to examine it further. There are many extracts, of which I have read only a few typical samples.

Mr. President, there is one other point with reference to the discussion the Senator from Florida and I had a few minutes ago, and that has to do with the date of the issuance of the proclamation. I wish the RECORD to show section 1 (a) of the pending measure so that Senators may be able in their own due time to make reference to it. It reads:

SECTION 1. (a) That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

Consequently, Mr. President, the way that language is worded, it is possible for the President to refuse to find that it is necessary. Notice in line 5 the word "necessary." It does not say "wise." It does not say "expedient" or "judicious." It says "necessary." Consequently, if the President shall find that a state of war exists, but fails to find that it is "necessary" to issue the proclamation, he may fail, and even refuse to do so.

Mr. AUSTIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Vermont?

Mr. DANAHER. I gladly yield.

Mr. AUSTIN. The distinguished Senator from Connecticut called this phrase to my attention much earlier in the session, and I thank him for giving it the emphasis that he has in both of his discussions. I think it is worthy of reflection at this point that here is set forth in the joint resolution the purpose of the joint resolution; namely, national defense. The President must not only find the existence of a state of war between two foreign states, but he must find the necessity on the part of the United States—

to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States.

I thank the Senator for permitting me to call attention to that matter.

Mr. DANAHER. I thank the Senator from Vermont for his observations.

Mr. President, since the section with reference to credits has to do entirely with the issuance of the proclamation in advance, or—to state it in another way—the issuance of the proclamation is a condition precedent to the operation of section 7 in its entirety, it may be, therefore, of interest to see just exactly what has been done in times past, in order to find a clue to why section 7 (b) is in the joint resolution.

According to reports of the Munitions Control Board sent to me from the Secretary of State, Great Britain, in January of this year, bought from the United States and took delivery of revolvers and automatic pistols to the total value of \$106.13; in February, none; in March, \$59.50; in April, none; in May, \$33.58; in June, \$472.69; in July, \$45; and in August, \$248.38. Remember, these shipments were made this year up to and including the 31st day of August, up to the very commencement of the war itself.

It is reasonable to assume that no credits were asked for these purchases. It is reasonable to assume that cash was paid and, Mr. President, I believe the distinguished chairman of the Committee on Foreign Relations has made inquiry of the Secretary of State, and that a release was prepared with reference to that subject. I think the Baltimore Sun carried the story in Mr. Essary's column last week. I ask at this time unanimous consent, if I may have it, to submit later, to be included in the Appendix of the RECORD, the article which appeared in the Baltimore Sun on this particular subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANAHER. Mr. President, under section 7 (b) I claim that there is no limitation upon the placing by Great Britain of orders for unlimited amounts of revolvers and automatic pistols for use by her in the war. She may so contract with American producers that an indebtedness will



be created. She may write the terms of that indebtedness in any way that the contracting parties decide upon.

Mr. President, is it not perfectly clear why Great Britain was not arming in these particulars, notwithstanding the approach of the war? And is it not perfectly apparent now why the sponsors of this particular joint resolution have incorporated section 7 (b) in it?

Mr. President, according to the records, Great Britain took shipments from the United States in January of this year of ammunition for rifles in the total amount of \$1,019; in February, \$46; in March, \$4.06; in April, \$16.86; in May, \$27,536.39; in June, \$6; in July, \$807; in August, \$222.01. Remember, Mr. President, that in January our Chief Executive told us that—

A war which threatened to envelop the world in flames has been averted, but it has become increasingly clear that peace is not assured.

Two weeks ago he told us that—

By April new tensions had developed; a new crisis was in the making.

Surely Great Britain must have known at least as much about the possibilities of an impending war as we in this country knew; but such war orders, of course, need not be placed if unlimited indebtedness could be incurred without the slightest limitation whatever. Not even would the provisions of section 7 (a) apply, just so long as the indebtedness "may exist on the date of such proclamation."

In the 8 months ending August 31, 1939, Great Britain bought from us, in anticipation of those darker periods that may lie ahead, high explosives averaging about \$34,000 per month. Does Great Britain anticipate that the United States is to grant to her unlimited credits under which to prosecute her war?

In the 8 months of this year for which records are available Great Britain has taken delivery from us of aircraft adaptable to aerial warfare in the average amount of approximately two and one-half million dollars per month. Mr. President, under contracts already placed, under conditions of sale yet to be arranged, there is no prohibition whatever upon the incurring of indebtedness in any conceivable amount only so long as that indebtedness may exist on the date of the proclamation.

The significance of all this becomes apparent, Mr. President, when we recall that in his message to us on September 21 the President told us that there must not be a possibility of the creation of credits. He knew what the situation was between 1914 and 1915. He stated in his message to the joint session of the Congress that one of the objectives to be achieved by us—in fact, he called it his fourth objective—was the preventing of war credits to belligerents. When credits became extended in 1914, bond issues were floated. Loans were obtained. When we continued to ship arms and supplies to the Allies, while stringent necessity constantly reduced other belligerents, the sinking of ships began. In a thousand ways propaganda gradually whipped up American sympathy to a frenzy of interest. How rapidly it can be done again will become evident from realizing how rapidly it happened before.

Yet the sponsors of this joint resolution would undertake to imply to the Senate that section 7 (a) would grant our country protection against the extension of credits to belligerents. In making the point in his message that the extension of such credits should be prevented, the President clearly had in mind what every Senator here must know, that as credits continually increase, and as indebtedness mounts, the tendency will naturally be for us to undertake to protect our credits, to make sure that our debtors will not lose in the fight, in order that they may be in position to repay us. History has amply demonstrated to us that such a situation can be, as it has been, one of the factors operating upon the minds of our people as a possible inducing cause of our entry into war.

In November of 1916 President Wilson was reelected on the platform that "He kept us out of war"; yet less than 5 weeks after his inauguration as President in 1917 the

United States was in the war. I saw it happen then. I do not want to see it happen again.

If we unmask all pretense and discuss this legislation further from the standpoint of helping Great Britain and France, additional considerations engage our attention. Suppose Great Britain and France should win the war: Is it our thought that we should thereupon join them in destroying Germany? What would we decide to do—return Germany to her status of, let us say, 1860? Would we be satisfied if the armed power of the German people were confiscated? Would we thereupon undertake to destroy the Nazi libraries? Would we remove from the hearts of the German people their thoughts of years of starvation consequent upon our last effort to write a peace for Europe? Would we abstract from their thoughts the Nazi philosophy; or would we again, in the name of humanity and civilization, attempt to create a "democratic" government within her borders? Or can it be expected, Mr. President, that we would think, "with Herr Hitler out of the way, the German people will now be free"? Or may it not become apparent that with the British people bearing the highest taxes ever known, they may, with their French Allies, come through a devastating war, the flower of their remaining manhood gone, their economy devastated, and then find that Russia has risen to be the greatest menace of all?

The brutal, hideous truth of the matter is that we may yet find, like a ghastly joke, like a grim grotesqueness, that Great Britain will be forced to maintain—in fact, create—a strong Germany against the onrushing Russia; and then, Mr. President, in what position would the United States find itself were we to repeal the existing legislation? We do not know the Russian aims, except as we see Russia plunge upon prostrate Poland and dismember her bleeding corpse with cannibalistic glee, meanwhile effectively countering Germany's eastward march.

Or do we recall, a few short years ago, that the United States Senate itself approved the British protectorate over Palestine, only to find a policy in whose making we had no voice refute the aims and hopes and aspirations of thousands of persons who innocently and in good faith had acted on the British declaration?

There are in this Chamber Senators who can easily remember the destructive war which resulted in the loss of the lives of thousands of Boers—white men, civilized men, who lost their homes, their farms, their gold and diamond mines, their government, to British imperialism.

Not one here fails to remember that the United States, which entered the World War in 1917, came out of it with loss and debt, leaving thousands upon thousands of our boys enriching the mud of France, while Great Britain emerged in possession of practically every single military outpost in the world.

There is not the slightest justification in morals or in law for the people of the United States even to risk the possibility of being drawn into this war.

In any case let us assume that we are willing, indeed, to engage to furnish arms to Great Britain and France, but that we will remain adamant in our refusal to send our troops to help. The very least our diplomacy could and should do in any such given circumstance is to demand in advance that both Great Britain and France cede to us all island possessions which might constitute bases for foreign attacks upon our shores, for if we should remove such properties adjacent to our country, and necessary for its defense, from the possibility of their being transferred in a peace to an enemy nation, we would at the same time remove the possibility and the requirement of our going to war to defend against the seizure of those islands by an enemy nation. Under the Monroe Doctrine we would have no course to do other than act in our own protection and to go to war. Therefore, Mr. President, if we will remove that possibility in advance we can, if we debate the issue honestly and fairly, establish a quid pro quo, just as Great Britain herself does in every international stratagem in which she is involved.

I might illustrate by recalling that in the Spanish conflict Great Britain made a loan of \$20,000,000 to Franco, but

before doing so she obtained the right to enter the Pyrenees Mountains and abstract therefrom iron and copper ores. So she undertook, the moment she made a loan, to begin to "draw down"; and "draw down" she did. She sent a mission to Russia having in view possibly a loan to Russia, and only last Thursday a new trade agreement with Russia was announced by Great Britain.

Yet it is proposed that we consider even the possibility of going into this war by furnishing munitions, arms, and implements of war without even taking the elementary precaution to make sure that if Great Britain should lose the war we would not be drawn into a defensive war of our own.

The very least we could do, it seems to me, would be to take those first important steps for our own protection.

Mr. President, there is only one other point I wish to develop. In March of the present year testimony was read into the Record from General Arnold, Chief of the Army Air Corps, who told us that there were 879 combat planes in the hands of the United States Army. We had under discussion at the time the President's recommendation of an appropriation of \$300,000,000 for the creation of a 6,000-war-plane force. It was contemplated that we could build up to 3,000 planes by 1941. We had at the time 879.

If there be any possibility of an attack upon our shores—and I personally think it is grotesque and fantastic even to imagine such a thing—if there be any such possibility, we are the ones who need the munitions, and we are the ones who need the planes. I submit that a strong America will be an efficient bulwark against any attack on our shores.

I agree with Colonel Lindbergh that the repeal of the arms embargo is a step toward war. I believe that next would come the extension of credits, next would come the sending of men, completing our actual involvement in the war itself.

Mr. President, I believe the pending joint resolution is defective in the particulars which I have taken pains to illustrate, and I hope, and I want the Record to show that I hope, that it will be defeated.

#### RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, October 18, 1939, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 17, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God, the Father Almighty, Maker of heaven and earth, let Thy holy silence sink deep into our hearts that the truth we know may be the candle of the Lord. Hush all our complainings and discontent and give the garment of praise for the spirit of heaviness. Let us rejoice and be glad that we have a part in the world's great work. Renew the life of Thy church everywhere, quicken its devotion and passion for the souls of men. Take the beam out of our own eye that we may see clearly to cast the mote out of our brother's eye. Restrain the wayward, relieve the oppressed, the poor, and be the toilers' friend. May pride, oppression, and all godless ambitions be remembered only as the things of the night. Let all who love the Lord Jesus stand for those virtues which build up the human heart in truth, honor, fidelity, love, and obedience to God. In the name of our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### EXTENSION OF REMARKS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein two letters, one signed by Francis B. Denton and the other by Gordon Auchincloss in answer to a letter placed in the daily Record a few days ago purporting to be

signed by Col. E. M. House. In this connection I also ask unanimous consent to include an editorial on the same subject from the New York Times of date October 14, 1939.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein an address made by Dr. Nicholas Murray Butler. I have received an estimate from the Public Printer to the effect that it exceeds the amount permitted ordinarily. I therefore renew my request at this time.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therewith a very splendid address on the need for an increased air force in this country delivered by Mr. Horner, the President of the National Aeronautics Association.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a radio address I delivered last night at Station WOL, Washington, over a national network, on the subject, Our National Defense.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LEMKE asked and was given permission to extend his own remarks in the Record.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the Record and to include therewith an editorial appearing in the Washington Times-Herald of this date.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein quotations from a speech made by the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes after the conclusion of the other special orders for the day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under the special order of the House heretofore made the gentleman from Connecticut [Mr. MILLER] is recognized for 45 minutes.

#### NEUTRALITY

Mr. MILLER. Mr. Speaker, before I proceed with the remarks I have prepared on the subject of neutrality, I wish to refer briefly to three subjects that have already been discussed here in the House.

I followed with a great deal of interest the questions asked by our colleague from Texas [Mr. THOMASON] regarding a letter inserted in the daily CONGRESSIONAL RECORD by the gentleman from Montana [Mr. THORKELSON]. Twenty-one years ago Colonel House befriended me when I was 3,000 miles from home. I have always had a very warm spot in my heart for Col. E. M. House. For that reason, if for no other, let me state that I have read what purports to be a letter written by Colonel House inserted in the daily Record by the gentleman from Montana, and I want to state for the Record that I sincerely doubt its authenticity and feel very sure that the letter could not have been written and was not written by Colonel House. At this time when we are starting debate on a bill that is going to have a great effect on the future peace of this country, it seems to me to be ill-advised to insert in the